

# Erie County Legal Journal

October 4, 2019

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102 ERIE 138 - 145

Dipaolo-Romeo, et al. v. Altadonna and Cimino

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# Erie County Legal Journal

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

Managing Editor: Megan E. Anthony

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## INDEX

<b>IN MEMORIAM</b> .....	4
<b>NOTICE TO THE PROFESSION</b> .....	5
<b>OPINION</b> .....	6
<b>COURT OF COMMON PLEAS</b>	
Change of Name Notice .....	15
Dissolution Notices.....	15
Incorporation Notices .....	15
Legal Notices.....	15
Sheriff Sales.....	18
<b>ORPHANS' COURT</b>	
Estate Notices .....	26
<b>CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS</b> .....	30

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# Erie County Bar Association

## Calendar of Events and Seminars

### WEDNESDAY, OCTOBER 9, 2019

Women's Leadership Committee Meeting  
Noon  
ECBA Headquarters

### FRIDAY, OCTOBER 11, 2019

ECBA Live Morning Seminar  
*Observations from the Bench & Private Practice:  
Tips on Effectively Advancing Your Client's  
Interests During the Litigation Process*  
The Will J. Schaaf & Mary B. Schaaf Education Center  
8:00 a.m. - Registration  
8:30 a.m. - 9:30 a.m. - Seminar  
\$47 (ECBA members/their non-attorney staff)  
\$60 (non-members)  
1 hour substantive

### SATURDAY, OCTOBER 12, 2019

Wills for Heroes  
The Will J. & Mary B. Schaaf Education Center  
10:00 a.m. - 2:00 p.m.

### WEDNESDAY, OCTOBER 16, 2019

Flu Shots administered by LifeWorks  
3:30 p.m. - 6:00 p.m.  
ECBA Headquarters

### THURSDAY, OCTOBER 17, 2019

Personnel Committee Meeting  
8:00 a.m.  
ECBA Headquarters

### THURSDAY, OCTOBER 17, 2019

Live ECBA Lunch-n-Learn Seminar  
*No One Makes It Out Unscathed: The Effects  
of Personal Trauma and Stress On Our Lives*  
The Will J. Schaaf & Mary B. Schaaf Education Center  
11:45 a.m. - Registration  
12:15 p.m. - 1:15 p.m. - Seminar  
\$47 (ECBA members/their non-attorney staff)  
\$60 (non-members)  
1 hour ethics

### TUESDAY, OCTOBER 22, 2019

Bankruptcy Section Meeting  
Brown Bag Lunch  
Noon  
Judge Agresti's Courtroom

### THURSDAY, OCTOBER 24, 2019

Defense Bar Meeting  
4:00 p.m.  
ECBA Headquarters

### MONDAY, OCTOBER 28, 2019

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

### THURSDAY, OCTOBER 31, 2019

ECBA and WPTLA Live Seminar  
*The ABCs of Focus Groups*  
The Will J. Schaaf & Mary B. Schaaf Education Center  
8:00 a.m. - Registration  
8:30 a.m. - 11:45 a.m. - Seminar  
\$140 (ECBA and WPTLA members)  
\$180 (non-members)  
3 hour substantive



Erie County Bar  
Association



@eriepabar

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

## 2019 BOARD OF DIRECTORS

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## *In Memoriam*



### **Thomas E. Larson**

*September 11, 1943 - September 18, 2019*

*Thomas E. Larson, passed away on Wednesday, September 18, 2019. Born in Erie, on September 11, 1943, he was a son of the late Kenneth and Eugenia (Johnson) Larson.*

*Tom was a graduate of Penn State Dickinson Law School. He started his career at a Price Waterhouse firm in New York City and went on to work in Portsmouth, N.H. for many years. Circumstances brought him back to Erie in 1985, and he opened his private practice in EBCO Park.*

*He was a member of S.O.N.S. of Lake Erie, the Penn State Alumni Association, and a life member of the former Maennerchor Club.*

*During young adulthood, Tom dedicated himself to his brother, Daniel “Danny” Larson, who had Downs Syndrome and died at the age of 27. He was a diehard fan of the Cleveland Browns, and was a music collector, amassing over 2500 CDs. His greatest ability was “working the numbers.” He established a fantasy football league as the commissioner 35 years ago, one of the first in the country.*

*Tom is survived by his wife, Carole Ann (Kruger) Larson, of Erie; his daughter, Sherri Cozza, husband Craig, of Pittsburgh; three grandchildren, Zachery, Gabriella, and Sienna Cozza, all of Pittsburgh; and his beloved golden retriever, Beau.*

*Memorials are suggested to St. Jude Children’s Research Hospital, 262 Danny Thomas Pl., Memphis, TN 38105, or to the Humane Society of NW PA, P.O. Box 3930, Erie, PA 16508.*





## LEGAL ASSISTANT/PARALEGAL

Baldwin Brothers, Inc., an Erie-based national real estate company, has immediate need for a full-time legal assistant/paralegal as lease administration manager. Responsibilities include lease review, notices, legal correspondence, lease interpretation and compliance. Two years' experience required. Paralegal degree not necessary. Please submit resumes to [development@baldwinbros.com](mailto:development@baldwinbros.com).

Oct. 4

LIVE  
LUNCH-N-LEARN  
SEMINAR | **ECBA**  
ERIE COUNTY BAR ASSOCIATION

# No One Makes It Out Unscathed: The Effects of Personal Trauma and Stress On Our Lives

**Thursday, October 17, 2019**

**Will J. Schaaf & Mary B. Schaaf Education Center**  
429 West 6th Street, Erie, PA 16507

**Registration:** 11:45 a.m.

**Seminar:** 12:15 p.m. - 1:15 p.m.

**Cost:** \$47.00 (ECBA Members and their  
Non-Attorney Staff)  
\$60.00 (Non-members)

**1 hour Ethics CLE credit**



## Seminar

Attorneys and Judges hopefully recognize that like many other professionals, their lives are filled to the brim with stress. It's important to be proactive in dealing with it. The consequences of shrugging it off can be catastrophic - not only for them but for their family, staff and friends.

**And then there's trauma.** The ramifications of trauma aren't discussed as frequently as those of stress and thus, for many attorneys, trauma is a topic in need of attention.

Trauma can be secondary or vicarious. For example, it can be the cumulative effect of listening to a client or witness relay graphic stories and experiences, viewing gruesome photos in a criminal or family law matter, hearing traumatic testimony at trial. Trauma also results from a personal loss such as the death of a family member or a close friend. It's important to recognize the signs of trauma in yourself as well as in your office staff, family and clients.

Hear from our experienced speaker as he shares his personal story of trauma related to the untimely death of his mentor, and learn how you can recognize the unhealthy and potentially life-threatening shadow it can cast.

## The Speaker

### **Brian S. Quinn, Esq.**

Education and Outreach Coordinator  
for Lawyers Concerned for Lawyers of PA, Inc.



Brian Quinn holds the position of Educator for Pennsylvania's *Lawyers Concerned for Lawyers* Program. He obtained his undergraduate degree in 1970, his law degree in 1973 and a certificate in Drug and Alcohol counseling in 2012, from Villanova University. Prior to working for *Lawyers Concerned for Lawyers*, he was a sole practitioner for nearly 40 years and has also worked in the field of Alcohol and Drug Counseling at Mirmont Treatment Center and Malvern Institute in suburban Philadelphia. Mr. Quinn is a past member of the Board of Directors of *Lawyers Concerned for Lawyers* of Pennsylvania and served as a peer volunteer for over six years prior to accepting his current role as the organization's Education and Outreach Coordinator.

**Reservations due to the ECBA office by Thursday, October 10.**

**DAWN DIPAOLO-ROMEO AND MICHAEL L. ROMEO, H/W  
AND DOMINICK D. DIPAOLO AND JANET DIPAOLO, H/W**

**v.**

**DENISE ALTADONNA AND DAVID G. CIMINO**

*ELECTIONS / CAMPAIGN FINANCE / ADVERTISING*

Paid political advertising, where authorized by a candidate or their agent, shall clearly and conspicuously state the communication has been so authorized. If not so authorized, it shall name the person(s) who financed it. 25 Pa.C.S.A. § 3258(a)(1) and (2).

*CIVIL PROCEDURE / SUMMARY JUDGMENT / DISCOVERY*

A party may move for summary judgment if, subsequent to discovery, an adverse party bearing the burden of proof fails to produce proper evidence of facts essential to a cause of action or defense. Summary judgment is appropriate when the record contains insufficient evidence to make a prima facie case for a cause of action or defense. Pa.R.C.P. 1035.2(2).

*TORTS / DEFAMATION / BURDEN OF PROOF*

In a defamation action, the plaintiff has the burden of proving the communication's defamatory character, publication, application to plaintiff, comprehension of the recipient, special harm, and, where applicable, abuse of a conditionally privileged occasion. 42 Pa.C.S.A. § 8343(a).

*TORTS / DEFAMATION / HARM*

Communication is defamatory if it tends to harm someone's reputation as to lower him in the estimation of the community or drive away third parties. It is not enough that the victim is embarrassed or annoyed.

*TORTS / DEFAMATION / LIBEL*

Defamation committed in writing is libel.

*TORTS / DEFAMATION PER SE / IMPUTED CRIME*

Statements imputing commission of a crime are capable of a defamatory meaning as a matter of law. One who imputes to another conduct constituting a criminal offense is subject to liability without proof of special harm if the offense is of a type which, if committed in the place of publication, would be punishable by imprisonment in a state or federal institution. Restatement (Second) of Torts § 571.

*TORTS / DEFAMATION PER SE / UNNAMED CRIME*

Defamation may occur by implying a crime was committed, without naming the crime.

*DEFAMATION / PUBLIC FIGURES / MALICE*

In Pennsylvania, public figures must prove falsity and actual malice in a defamation action. Public figures are those intimately involved in resolution of important public questions, or who, by reason of fame, shape important events in society.

*DEFAMATION / PUBLIC FIGURE / EVIDENTIARY STANDARD*

A Public figure must prove defamation by clear and convincing evidence, the highest standard in civil law. Generally, candidates for public office are public figures.

*DEFAMATION / GUILTY PLEA / CONVICTION*

A guilty plea or conviction may be a prerequisite to publicly proclaiming a person "committed" a crime, however, actual malice on the part of the defendant must still be proven.

*DEFAMATION / PUBLIC FIGURE / MALICE*

A public figure must prove actual malice by clear and convincing evidence. This rigorous burden requires that defamatory statement be made with actual knowledge of its falsehood or reckless disregard for veracity. Failure to check sources or mere negligence is insufficient for malice.

*CONSTITUTIONAL LAW / ACTUAL MALICE*

The actual malice standard is a constitutionally mandated safeguard, and must be proven by clear and convincing evidence.

*DEFAMATION / ACTUAL MALICE / SUMMARY JUDGMENT*

Failure to show malice may result in summary judgment for defendant.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 13530-2017

Appearances: Anthony Logue, Esq., for Plaintiffs  
Craig Markham, Esq., for Defendant, David Cimino  
William Kelly, Esq., for Defendant, Denise Altadonna

**OPINION**

**June 20, 2019**

**I. BACKGROUND**

The Plaintiffs are Dawn DiPaolo-Romeo and her husband Michael L. Romeo, and Dominick D. DiPaolo (“D. DiPaolo”) and his wife, Janet DiPaolo (“J. DiPaolo”). DiPaolo-Romeo ran for magistrate district justice of the City of Erie’s 6th Ward in 2017. Her father, Plaintiff D. DiPaolo, was 6th Ward district magistrate at the time, and had occupied that seat for over twenty years. DiPaolo-Romeo was D. DiPaolo’s office manager. (Amended Complaint, ¶2(A)).

The Defendants were political rivals of DiPaolo-Romeo. Defendants Beveridge and Cimino ran against DiPaolo-Romeo in the 2017 election. San Fillipo<sup>1</sup> and Altadonna were supporters of Beveridge and / or Cimino. Beveridge won the November election, and Plaintiffs filed their defamation-related lawsuit shortly after, in December of 2017. Defendants filed Preliminary Objections, and an Amended Complaint was filed in May of 2018. The Amended Complaint seeks compensatory damages in excess of \$50,000, punitive damages, and attorney fees on each of its fifteen counts. Beveridge and San Fillipo were voluntarily dismissed from the case in February of 2019. Shortly after that, Cimino filed the Motion for Summary Judgment presently before the court, seeking judgment in his favor on all counts under Pa.R.C.P. 1035.2(2).

In their Amended Complaint, plaintiffs generally describe their action as one “for damages arising from Defendants[’] publication by letter, ads and averments both oral and written with information containing false, malicious, and defamatory statements about Plaintiffs personally and in their business practices.” (Amended Complaint, ¶ 7). Paragraph 7 of the Amended Complaint refers to six exhibits, marked Exhibits A through E, that specifically identify the alleged defamatory statements.

<sup>1</sup> Defendant Anthony J. San Fillipo is sometimes referred to in this action as Anthony J. “Sanfilippo”.

Exhibit A is a mailing postmarked May 10, 2017 sent to residents of the 6th Ward ostensibly from an entity called “Erie County Ethics Committee.” The two-page mailing is titled “Dom DiPaol[o] Family Corruption.” It contains a list of disparaging accusations against D. DiPaolo, DiPaolo-Romeo, and J. DiPaolo. There is no evidence attributing Exhibit A to Cimino.

Exhibit B is a campaign ad in the form of a one-page flyer published by Defendant Cimino sometime prior to the May 2017 primary election. It contains a chart comparing the three 6th Ward candidates under eight contrived categories obviously intended to favor candidate Cimino.

Exhibits C, D, E, and F are affidavits signed by Romeo, DiPaolo-Romeo, and two other individuals, respectively. Exhibits C and D describe an incident at a polling location in the 6th Ward on the day of the May primary election, when Altadonna was overheard making disparaging remarks about DiPaolo-Romeo while holding a Beveridge campaign sign. Exhibit E is authored by a person named Craig J. Hauser. It describes an incident where candidate Beveridge allegedly uttered a disparaging remark about DiPaolo-Romeo to the Affiant. Exhibit F is authored by a person named Jenny Kupezyk. It describes an incident where Beveridge’s wife called the Affiant to disclaim Beveridge’s responsibility for Exhibit A. There is no evidence implicating Cimino in these alleged defamatory statements.

Of all the exhibits, only Exhibit B pertains to statements made by Cimino. DiPaolo-Romeo asserts that Exhibit B is defamatory because it states in the seventh column that she committed a misdemeanor violation of Pennsylvania’s Election Code.<sup>2</sup> D. DiPaolo asserts that the same statement is defamatory of him because, although he is not mentioned by name in the ad, it states that DiPaolo-Romeo worked for “her father.” From this D. DiPaolo extrapolates an imputation that DiPaolo-Romeo committed Election Code violations while in his employ, which he argues is necessarily disparaging of him.<sup>3</sup>

Section 3258(a) states:

#### Advertising

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a candidate, or ballot questions, through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication:

(1) If authorized by the candidate, his authorized political committee or their agents, shall clearly and conspicuously state that the communication has been authorized.

<sup>2</sup> Specifically §1638(a)(1) of the campaign finance reporting provisions of the Act of Jun. 3, 1937, P.L. 1333, as amended (“Election Code”), which is referenced hereafter by its location in Purdon’s Consolidated Statutes Annotated, 25 Pa.C.S.A. §3258(a)(1).

<sup>3</sup> There are vague references in the pleadings and discovery materials that suggest Plaintiffs found Exhibit B defamatory in more respects than just its statement regarding the Election Code violation. However, the claims were not pled with sufficient facts to evaluate them, and it seems they were abandoned altogether at oral argument.

(2) If not authorized by a candidate, his authorized political committee, or their agents, shall clearly and conspicuously state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee the name of any affiliated or connected organization.

25 Pa.C.S.A. §3258(a)(1)and (2).<sup>4</sup> Under the law, violation of §3258 constitutes a misdemeanor punishable by a fine not to exceed \$1,000.00, or imprisonment from one month to two years, or both, at the discretion of the court. 25 Pa.C.S.A. §3258(b)(3).

Cimino asserts that the statement in Exhibit B is true based on DiPaolo-Romeo's admission that she was aware of Election Code requirements, but placed the noncompliant campaign signs anyway. DiPaolo-Romeo argues that the statement is false and defamatory because she took appropriate steps to correct her signs, and she was never charged with or convicted of any crime in connection with violating the Election Code. To this Cimino more or less responds that even if DiPaolo-Romeo is correct, he reasonably believed, as a matter of legal theory, that one can truthfully be said to have committed a crime, regardless of whether they were charged or convicted, if they admit to performing all of the elements of the offense, as he believes DiPaolo-Romeo has done in this case.

## II. SUMMARY JUDGMENT

Pa.R.C.P. 1035.2(2) states:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

...

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

As explained in the *Note* to Rule 1035.2(2), the motion is appropriate when:

... the record contains insufficient evidence of facts to make out a *prima facie* cause of action or defense and, therefore, there is no issue to be submitted to a jury. The motion in this instance is made by a party who does not have the burden of proof at trial and who does not have access to the evidence to make a record which affirmatively supports the motion. To defeat this motion, the adverse party must come forth with evidence showing the existence of the facts essential to the cause of action or defense.

“The purpose of the Rule is to eliminate cases prior to trial where a party cannot make out a claim or a defense after relevant discovery has been completed...” Pa.R.C.P. 1035.2,

<sup>4</sup> Section 3258(a)(2) is not mentioned in the Ad, but it relates to facts revealed through discovery that DiPaolo-Romeo's sign maker donated several signs to the campaign that did not contain the requisite attribution under §3258(a)(2).

*Explanatory Comment-1996*. As with motions under Rule 1035.2(1), the record is viewed in the light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Coleman v. Ogden Newspapers, Inc.*, 142 A.3d 898, 904 (Pa. Super. 2016) citing *DeArmitt v. New York Life Ins. Co.*, 73 A.3d 578, 585-86 (Pa. Super. 2013).

Presently, there is no dispute that discovery is complete and all available, relevant evidence has been submitted for the court's review.

### III. DISCUSSION

The Amended Complaint contains two counts against Cimino individually, and two counts against "all defendants." Those counts are:

COUNT IV - DEFAMATION - Dominick D. DiPaolo v. David G. Cimino

COUNT XIII - DEFAMATION - Dawn DiPaolo-Romeo v. David G. Cimino

COUNT VIV - CIVIL CONSPIRACY AGAINST ALL DEFENDANTS

COUNT XV - SLANDER *PER SE* AGAINST ALL DEFENDANTS

Counts VIV and XV contain no well pled facts in support of any claim for conspiracy or slander *per se* against Cimino specifically, nor did Plaintiffs argue in favor of Counts VIV and XV at oral argument on Cimino's Motion. Upon review of the discovery materials, the court can find no evidence that would support even a remote claim of Cimino's participation in a conspiracy. Further, for all of the reasons discussed below in relation to Counts IV and XIII ("Defamation Counts"), there is no evidence to support a claim of slander *per se* against Cimino. Accordingly, summary judgment in Plaintiffs' favor will be granted on Counts VIV and XV without further discussion in this Opinion.

Regarding the Defamation Counts, the Uniform Single Publication Act, 42 Pa.C.S.A. §§ 8341-8345, outlines the basis of a defamation action. Section 8343 provides:

#### Burden of Proof

(a) Burden of plaintiff.—In an action for defamation, the plaintiff has the burden of proving, when the issue is properly raised:

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

42 Pa.C.S.A. § 8343(a). A communication is defamatory if it "tends ... to harm the reputation of another as to lower him in the estimation of the community or to deter third parties from associating or dealing with him." *Tucker v. Philadelphia Daily News*, 848 A.2d 113, 124 (Pa. 2004). "It is not enough that the victim ... be embarrassed or annoyed, he must have suffered the kind of harm which has grievously fractured his standing in the community of respectable society." *Id.*

When defamation is committed in writing, it constitutes libel. "Libel is the malicious publication of printed or written matter which tends to blacken a person's reputation and expose him to public hatred, contempt or ridicule." *Id.* See also *Agriss v. Roadway Exp., Inc.*,

483 A.2d 456, 469 (Pa. Super. 1984) (defining libel as “a method of defamation expressed by print, writing, pictures, or signs”). A publication is also defamatory if it tends to injure the subject of the publication in his business or profession. *Agriss* at 461.

Statements which impute the commission of a crime are capable of a defamatory meaning as a matter of law. *Marcone v. Penthouse Intern. Magazine for Men*, 754 F.2d 1072, 1078 (3d Cir. 1985), *cert. denied*, 106 S.Ct. 182 (US 1985). The Restatement (Second) of Torts § 571 provides: “One who publishes a slander that imputes to another conduct constituting a criminal offense is subject to liability to the other without proof of special harm if the offense imputed is of a type which, if committed in the place of publication, would be (a) punishable by imprisonment in a state or federal institution... .” Restatement (Second) of Torts § 571. *See also Agriss, supra*, at 473 (noting Pennsylvania generally tends to adopt Restatement rule in defamation).

It is not necessary th[at] the charge be made in technical language. It is enough that the language used impute to the other the criminal offense.... It is not necessary that the defamer charge any particular criminal offense by name or description, if the words used imply some crime. ... Neither is it necessary that the defamer directly charge the other with the criminal offense or that the charge be made as of the speaker’s own knowledge or belief.

Restatement (Second) of Torts § 571, *Comment C*. In the case at bar, there is no dispute that Cimino accused DiPaolo-Romeo of committing a crime, in writing, published to voters within the 6th Ward.

However, the inquiry does not end here. Under Pennsylvania law, in cases involving public figures, proof of falsity and actual malice is also required. *Coleman, supra*, at 905. Individuals who are “intimately involved in the resolution of important public questions or, by reason of their fame, shape events in areas of concern to society at large” are public figures. *Milkovich v. Lorain Journal Co.*, 110 S.Ct. 2695 (US 1990) (*quoting Gertz v. Robert Welch, Inc.*, 94 S.Ct. 2997, 3005 (US 1974)). Generally, candidates for office are public figures. *Gertz* at 3009 (“An individual who decides to seek governmental office must accept certain necessary consequences of that involvement in public affairs. He runs the risk of closer public scrutiny than might otherwise be the case”).

A plaintiff’s status as a public figure affects his or her burden in a defamation case. “If the plaintiff is a public official or public figure, [he or] she must prove also that the defendant, in publishing the offending statement, acted with actual malice, i.e. with knowledge that [the statement] was false or with reckless disregard of whether it was false or not.” That is, “the defendant must have made the false publication with a ‘high degree of awareness ... of probable falsity,’ or must have ‘entertained serious doubts as to the truth of his publication[.]’” *Joseph v. Scranton Times L.P.*, 129 A.3d 404, 437 (2015) (*internal citations omitted*); *see also American Future Systems, Inc. v. Better Business Bureau of Eastern Pennsylvania*, 923 A.2d 389, 404 (Pa. 2007), *cert. denied*, 128 S.Ct. 806 (US 2007); *Tucker, supra*, at 129-30. A public-figure plaintiff must meet that burden by clear and convincing evidence. *Tucker* at 127-128.

In the case at bar, the question of whether Cimino’s statement was true is a question of



law. The essential facts are not in dispute. Plaintiffs admit DiPaolo-Romeo was aware of Election Code requirements and placed nonconforming campaign signs. The legal question is whether a crime is committed upon admission of performance of the elements of the crime, or whether one must be charged or convicted of a crime in order to be said to have “committed” it. The court is unaware of case law specifically addressing the issue. However, if we are to assume a person is innocent until proven guilty, it seems a guilty plea or conviction should be a prerequisite to publicly proclaiming a person has “committed” a crime. Thus the court finds that Cimino’s statement was not true.

Nevertheless, Plaintiffs must also prove by clear and convincing evidence that Cimino made the offending statement with actual malice. Actual malice exists where a defendant makes a defamatory statement “with knowledge that it was false or with reckless disregard of whether it was false or not.” *Tucker, supra*, at 129 (quoting *New York Times v. Sullivan*, 84 S.Ct. 710, 726 (1964)). “A showing of a reckless disregard for the truth... requires more than a departure from reasonably prudent conduct. Failure to check sources, or negligence alone, is simply insufficient to maintain a cause of action for defamation.” *Id.* at 135 (*internal citations omitted*).

“The requirement that the plaintiff be able to show actual malice by clear and convincing evidence is initially a matter of law.” *Tucker, supra*, at 130.

The [United States] Supreme Court has emphasized that the question of whether a statement has been published with reckless disregard of falsity is not measured by whether a reasonably prudent [person] would have [published], or would have investigated before publishing. Rather, [t]here must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of the publication. Thus, while recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports, it simply cannot be concluded that a defendant entertained the requisite doubt as to the veracity of the challenged publication where the publication was based on information a defendant could reasonably believe to be accurate.

*Tucker, supra* at 135-36 (quoting *Curran v. Philadelphia Newspapers, Inc.*, 439 A.2d 652, 660 (Pa. 1981)). The actual malice standard is “a rigorous, if not impossible, burden to meet in most circumstances.” See *Weaver v. Lancaster Newspapers Inc.*, 875 A.2d 1093, 1103 (Pa. Super. 2005) (McCaffery, J., *concurring*) (*rev’d on other grds.*, 926 A.2d 899 (Pa. 2007)). Indeed, the actual malice standard “goes so far as to forbid imposition of liability even in those instances where the defendant negligently publishes false, defamatory statements about a public figure or public official.” *Norton v. Glenn*, 860 A.2d 48, 56 (Pa. 2004).

Even so, the actual malice standard “is a constitutionally mandated safeguard, and, as such, must be proven by clear and convincing evidence, the highest standard of proof for civil claims.” *Lewis v. Philadelphia Newspapers, Inc.*, 833 A.2d 185, 192. The standard requires evidence “so clear, direct, weighty, and convincing as to enable the trier of fact to come to a clear conviction, without hesitancy of the truth of the precise facts in issue.” *Matter of Braig*, 554 A.2d 493, 495 (Pa. 1989). If the plaintiff in a defamation case fails to put forth evidence sufficient to support a finding of actual malice, the trial court may grant



summary judgment in favor of the defendant. *See, e.g., Blackwell v. Eskin*, 916 A.2d 1123, 1125 (Pa. Super. 2007).

In the case at bar, the most that can be said based on the evidence presented is that Cimino mistakenly accused DiPaolo-Romeo of committing a misdemeanor crime. There is no evidence that Cimino entertained doubt that his Ad was true. On its face, Election Code §3825 is a strict liability statute with no *mens rea* element. When Cimino, through his father, David J. Cimino, reported the violation to the Erie County Clerk of Elections, Doug Smith. Smith confirmed that DiPaolo-Romeo's signs violated the Election Code. (Smith Depo., Pg. 15). Smith reported the violation to the Election Board solicitor who opined that the infraction was *de minimus* and easily correctable, therefore, the matter would not be referred to the district attorney for prosecution. (Smith Depo., Pg. 15, 21). But as Cimino explained, "... the law doesn't say somebody has to be charged to commit the crime. So, I mean, if somebody serves as a witness, what they're essentially saying is that they witnessed [] somebody committing a crime, and that's what they're a witness to. So by not having — by Ms. DiPaolo-Romeo and Mr. Beveridge not having those paid for authorizations would be a violation." (Cimino Depo., Pg. 84). Mr. Smith corroborated this view when he testified that "even if [the Election Code violation] was unintentional, it's violation in some respect." (Smith Depo., Pg. 17).

Mr. Smith also testified that some of the nonconforming signs may have been donated to the DiPaolo-Romeo campaign and placed by persons outside the control of DiPaolo-Romeo. (Smith Depo., Pg. 24). However, no evidence was presented that Cimino was made aware of that information. Further, Francis Gray, the sign maker and person who purportedly donated the nonconforming signs, testified that the donated signs left Gray's shop along with all of the other signs, and he does not know whether or where they were placed. (Gray Depo., Pg. 28).

In light of Cimino's reasonable explanation of his offending statement, and in the absence of any other facts that might allow a jury to conclude that Cimino acted with a higher degree of culpability (i.e. actual malice), summary judgment is warranted on the Defamation Counts.

#### IV. CONCLUSION

For all of the reasons discussed above, Cimino's Motion for Summary Judgment is granted in his favor on all counts. An appropriate Order will follow.

#### ORDER

**AND NOW**, this 20th day of June, 2019, upon consideration of Defendant David G. Cimino's Motion for Summary Judgment filed April 12, 2019, as well as the responsive pleadings and briefs of the parties; and after oral argument held May 24, 2019; and for the reasons set forth in the Opinion accompanying this Order, it is hereby **ORDERED, ADJUDGED, and DECREED** the Motion is **GRANTED**. Judgment is entered in favor of the Defendant, David G. Cimino, and against all Plaintiffs, on all counts raised in Plaintiffs' Amended Complaint filed on or about May 21, 2018.

#### **BY THE COURT**

/s/ **Joseph M. Walsh, III, Judge**



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**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania. Case Number 12273-2019. In re Change of Name of Elijah Adrian Vaughn to Elijah Adrian Baker. Notice is hereby given that, on August 26, 2019, the Petition of Elijah Adrian Vaughn was filed in the Erie County Court of Common Pleas, requesting an order to change the name of Elijah Adrian Vaughn to Elijah Adrian Baker.

The Court has fixed the day of November 18, 2019 at 3:00 p.m. in Courtroom G, Room 222, of the Erie County Courthouse, Erie, Pennsylvania as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petition should not be granted.

Oct. 4

**DISSOLUTION NOTICE**

NOTICE IS HEREBY GIVEN THAT the shareholders and directors SENIOR RETIREMENT MANAGEMENT, INC. a Pennsylvania corporation (the "Corporation"), with a registered address of 238 1/2 Darrow Road, Edinboro, PA 16412, have approved a plan and proposal that the Corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the Corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

KNOX MCLAUGHLIN GORNALL & SENNETT, P.C.  
120 West 10th Street  
Erie, PA 16501  
Attorneys for Senior Retirement Management, Inc.

Oct. 4

**DISSOLUTION NOTICE**

Please take notice that the Sertoma Club of Erie, Pennsylvania, has filed Articles of Dissolution with the Pennsylvania Department of State and Bureau of Corporations and Charitable Organizations on or about September 24, 2019.

Gary V. Skiba, Esq.  
Attorney for Sertoma Club of Erie, Pennsylvania

Oct. 4

**INCORPORATION NOTICE**

Enabling Leaders Infinitely Through Education Inc D/B/A Elite LMS has been incorporated under the provisions of the Nonprofit Corporation Law of 1988.

Oct. 4

**INCORPORATION NOTICE**

E-Prep Learning Management Systems Inc has been incorporated under the provisions of the Business Corporation Law of 1988.

Oct. 4

**INCORPORATION NOTICE**

MATRIX TOOL EXPORT INC has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Elliott J. Ehrenreich, Esq.  
KNOX MCLAUGHLIN GORNALL & SENNETT, P.C.

120 West Tenth Street  
Erie, Pennsylvania 16510

Oct. 4

**LEGAL NOTICE**

ATTENTION: UNKNOWN BIOLOGICAL FATHER INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD M.A. DOB: 04/24/2019 BORN TO: SAMIA AKOL 91 IN ADOPTION, 2019

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, Courtroom B-208, City of Erie on November 22, 2019 at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

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

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

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

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

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

Oct. 4

**LEGAL NOTICE**

ATTENTION: LYDIA MAREE VICARIO INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD: K.R.-L.V. - DOB: 12/04/2015 BORN TO: LYDIA MAREE VICARIO 80 IN ADOPTION 2019

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 Orphans' Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Courtroom No. B - #208, City of Erie, on Thursday, November 14, 2019, 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 child 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/Orphans' 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 Erie County Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Oct. 4

**LEGAL NOTICE**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW  
No. 11475-19  
DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS  
TRUSTEE FOR SOUNDVIEW  
HOME LOAN TRUST 2005-  
OPT1, ASSET-BACKED  
CERTIFICATES, SERIES 2005-  
OPT1, Plaintiff  
vs.**

**KATELYNN MORGAN, in her  
capacity as Administratrix and  
Heir of the Estate of CONNIE  
D. MORGAN A/K/A CONNIE  
MORGAN A/K/A CONSTANCE  
MORGAN A/K/A CONSTANCE  
D. MORGAN, AMANDA CRUZ,  
in her capacity as Heir of the  
Estate of CONNIE D. MORGAN  
A/K/A CONNIE MORGAN  
A/K/A CONSTANCE MORGAN  
A/K/A CONSTANCE D.  
MORGAN, UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS, AND  
ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST  
FROM OR UNDER CONNIE  
D. MORGAN A/K/A CONNIE  
MORGAN A/K/A CONSTANCE  
MORGAN A/K/A CONSTANCE  
D. MORGAN, DECEASED,  
Defendants**

**NOTICE**

**TO UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS, AND  
ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST  
FROM OR UNDER CONNIE  
D. MORGAN A/K/A CONNIE  
MORGAN A/K/A CONSTANCE  
MORGAN A/K/A CONSTANCE D.  
MORGAN, DECEASED**

You are hereby notified that on May 29, 2019, Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2005-OPT1, ASSET-BACKED CERTIFICATES, SERIES 2005-OPT1, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 11475-19. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 4013 NANCY AVENUE, ERIE, PA 16510-3654 whereupon your property would be sold by the Sheriff of ERIE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. 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.**

Notice to Defend:  
Lawyer Referral &  
Information Service  
P.O. Box 1792  
Erie, PA 16507  
Telephone (814) 459-4411

Oct. 4

**LEGAL NOTICE  
IN THE UNITED STATES  
DISTRICT COURT FOR THE  
WESTERN DISTRICT OF  
PENNSYLVANIA  
CIVIL ACTION**

NO. 1:18-cv-00259

UNITED STATES OF AMERICA,

Plaintiff

vs.

BRIAN C. ATTERBURY,

Defendant

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Erie County Instrument No. 2012-018919.

**SAID SALE** to be held at the Erie County Courthouse, 140 West Sixth Street, Room 209, Erie, PA 16501 at **10:00 a.m.** prevailing standard time, on **October 29, 2019.**

**ALL** that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 28-5-6.6-7 recorded in Erie County, Pennsylvania, commonly known as: **1213 Ash Street, Lake City, PA 16423.**

IDENTIFIED as Tax/Parcel #: 28-5-6.6-7 in the Deed Registry Office of Erie County, Pennsylvania. HAVING erected a dwelling thereon known as 1213 ASH STREET, LAKE CITY, PA 16423. BEING the same premises conveyed to Brian C. Atterbury, dated July 10, 2012, and recorded on July 16, 2012 in the office of the Recorder of Deeds in and for Erie County, Pennsylvania. Seized and taken in execution as the property of Brian C. Atterbury at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 1:18-cv-00259.

**TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the

bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Sept. 27 and Oct. 4, 11, 18

**SHERIFF SALES**

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

**OCTOBER 18, 2019  
AT 10 A.M.**

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

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

John T. Loomis

Sheriff of Erie County

Sept. 27 and Oct. 4, 11

**SALE NO. 1**

**Ex. #11606 of 2019**

**WIDGET FEDERAL CREDIT**

**UNION d/b/a WIDGET  
FINANCIAL, Plaintiff**

**v.**

**DONELLE K. NOBLE solely  
in her capacity as heir of  
THE ESTATE OF NANCY J.  
OSTROWSKI and STEPHANIE  
L. DULA, solely in her capacity  
as heir of THE ESTATE OF  
NANCY J. OSTROWSKI and  
NICHOLAS B. BATTLES,  
solely in his capacity as heir of  
THE ESTATE OF NANCY J.  
OSTROWSKI and the unknown  
heirs, successors, assigns, and  
all other persons, firms or  
associations claiming right,**

**title or interest from or under  
NANCY J. OSTROWSKI,  
deceased, Defendants  
DESCRIPTION**

By virtue of Writ of Execution filed at No. 11606-2019, WIDGET FEDERAL CREDIT UNION d/b/a WIDGET FINANCIAL vs. DONELLE K. NOBLE, solely in her capacity as heir of the Estate of Nancy J. Ostrowski and STEPHANIE L. DULA, solely in her capacity as heir of the Estate of Nancy J. Ostrowski and NICHOLAS B. BATTLES, solely in his capacity as heir of the Estate of Nancy J. Ostrowski and the unknown heirs, successors, assigns, and all other persons, firms or associations claiming right, title or interest from or under Nancy J. Ostrowski, deceased, owner of the following properties identified below:

1) Situate in the Township of Lawrence Park, County of Erie, and Commonwealth of Pennsylvania at 1224 Silliman Avenue, Erie, Pennsylvania 16511:  
Assessment Map No.: 29-017-058.0-007.00  
Assessed Value Figure: \$71,470.00  
Improvement Thereon: Single Family Residential Dwelling  
Michael S. Jan Janin, Esquire  
Pa. I.D. No. 38880  
The Quinn Law Firm  
2222 West Grandview Boulevard  
Erie, PA 16506  
(814) 833-2222

Sept. 27 and Oct. 4, 11

**SALE NO. 2**

**Ex. #11229 of 2019**

**ERIE FEDERAL CREDIT  
UNION, Plaintiff**

**v.**

**AMY B. SCHWAB, Defendant  
DESCRIPTION**

By virtue of Writ of Execution filed at No. 11229-2019, Erie Federal Credit Union vs. Amy B. Schwab, owner of the following property identified below:

1) Situate in the City of Erie, County of Erie, and Commonwealth of Pennsylvania at 117 East 29th Street, Erie, Pennsylvania 16504:  
Assessment Map No.: 18-050-

085.0-120.00

Assessed Value Figure: \$62,030.00  
Improvement Thereon: Single Family Residential Dwelling  
Michael S. Jan Janin, Esquire  
Pa. I.D. No. 38880  
The Quinn Law Firm  
2222 West Grandview Boulevard  
Erie, PA 16506  
(814) 833-2222

Sept. 27 and Oct. 4, 11

**SALE NO. 3**

**Ex. #31424 of 2019**

**FIRST NATIONAL BANK OF  
PENNSYLVANIA, Plaintiff**

**v.**

**ANDREW T. GABLER,  
Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 31424-2019, First National Bank of Pennsylvania vs. Andrew T. Gabler, owner of property situated in Borough of Girard, Erie County, Pennsylvania being 808 Main Street, Girard, Pennsylvania  
0.8351 acres  
Assessment Map Number: (23) 13-42-8  
Assessed Value Figure: 380,100.00  
Improvement Thereon: Commercial Auto Dealership  
Nicholas R. Pagliari  
Pa. Supreme Court ID No. 87877  
MacDONALD, ILLIG, JONES  
& BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7754

Attorneys for Plaintiff

First National Bank of Pennsylvania  
Sept. 27 and Oct. 4, 11

**SALE NO. 4**

**Ex. #11446 of 2019**

**MARY ANN McDANNIELS-  
KULESA, Plaintiff**

**v.**

**EDWARD KULESA, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11446-2019, Mary Ann McDaniels-Kulesa vs. Edward Kulesa, owner of property situated in Union Township, Erie County, Pennsylvania being 9400 Route 6, Union City, PA 16438



2.86 Acres  
Assessment Map Number: (43) 7-10-16  
Assessed Value Figure: \$63,800.00  
Improvement Thereon: Single Family Dwelling  
Nicholas R. Pagliari  
Pa. Supreme Court ID No. 87877  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7754  
Attorneys for Plaintiff  
Mary Ann McDanniels-Kulesa  
Sept. 27 and Oct. 4, 11

**SALE NO. 5**

**Ex. #31419 of 2019**  
**FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff**  
**v.**  
**LAKESIDE AUTO SALES, INC., Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 31419-2019, First National Bank of Pennsylvania vs. Lakeside Auto Sales, Inc., owner of property situated in Township of Harborcreek, Erie County, Pennsylvania being 4844 Buffalo Road, Erie, Pennsylvania 16510 0.9210 acres  
Assessment Map Number: (27) 13-105-11  
Assessed Value Figure: 284,100.00  
Improvement Thereon: Commercial Auto Dealership  
Nicholas R. Pagliari  
Pa. Supreme Court ID No. 87877  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7754  
Attorneys for Plaintiff  
First National Bank of Pennsylvania  
Sept. 27 and Oct. 4, 11

**SALE NO. 6**

**Ex. #31420 of 2019**  
**FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff**  
**v.**  
**LAKESIDE AUTO SALES, INC., LAKESIDE ACQUISITION GROUP, INC., ANDREW T. GABLER, and**

**ANN M. GABLER, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 31420-2019, First National Bank of Pennsylvania vs. Lakeside Auto Sales, Inc., Lakeside Acquisition Group, Inc., Andrew T. Gabler, and Ann M. Gabler  
Andrew T. Gabler, owner of property situated in Township of North East, Erie County, Pennsylvania being 10183 West Main Road, North East, PA 16428  
0.7443 Acres  
Assessment Map Number: (37) 19-70-8.01  
Assessed Value Figure: \$125,700.00  
Improvement Thereon: Commercial Auto Dealership  
10215 West Main Road, North East, PA 16428  
2.5090 Acres  
Assessment Map Number: (37) 19-70-9  
Assessed Value Figure: \$768,100.00  
Improvement Thereon: Commercial Auto Dealership  
0 West Main Road, North East, PA 16428  
31.3930 Acres  
Assessment Map No. (37) 19-70-8  
Assessed Value Figure: \$20,300.00  
Improvement Thereon: Vacant Land  
Nicholas R. Pagliari  
Pa. Supreme Court ID No. 87877  
MacDONALD, ILLIG, JONES & BRITTON LLP  
100 State Street, Suite 700  
Erie, Pennsylvania 16507-1459  
(814) 870-7754  
Attorneys for Plaintiff  
First National Bank of Pennsylvania  
Sept. 27 and Oct. 4, 11

**SALE NO. 7**

**Ex. #11437 of 2019**  
**CITIZENS BANK, N.A. S/B/M TO CITIZENS BANK OF PENNSYLVANIA, Plaintiff**  
**v.**  
**Mary Rebecca Schuster-Shafer, Jennifer Schuster, Defendants**  
**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Fairview, County of Erie and Commonwealth of Pennsylvania.  
BEING KNOWN AS: 7560 Water

Street, Fairview, PA 16415  
PARCEL #21-080-024.0-001.00  
Improvements: Residential Dwelling.  
Gregory Javardian, Esquire  
Id. No. 55669  
Attorneys for Plaintiff  
1310 Industrial Boulevard  
1st Floor, Suite 101  
Southampton, PA 18966  
(215) 942-9690  
Sept. 27 and Oct. 4, 11

**SALE NO. 8**

**Ex. #10374 of 2019**  
**CITIZENS BANK, N.A. S/B/M CITIZENS BANK OF PENNSYLVANIA, Plaintiff**  
**v.**  
**Robert Woodard a/k/a Robert J. Woodard, II, Personal Representative of the Estate of Robert J. Woodard a/k/a Bob Woodard a/k/a Robert Woodard a/k/a Robert John Woodard, Deceased, Defendant**  
**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania.  
BEING KNOWN AS: 3725 West 14th Street, Erie, PA 16505  
PARCEL #33-036-164.0-028.00  
Improvements: Residential Dwelling.  
Gregory Javardian, Esquire  
Id. No. 55669  
Attorneys for Plaintiff  
1310 Industrial Boulevard  
1st Floor, Suite 101  
Southampton, PA 18966  
(215) 942-9690  
Sept. 27 and Oct. 4, 11

**SALE NO. 9**

**Ex. #13367 of 2018**  
**Rushmore Loan Management Services, LLC, Plaintiff**  
**v.**  
**JUSTIN R. HOLDER, Defendant**  
**DESCRIPTION**  
By virtue of a Writ of Execution filed to No. 13367-18, Rushmore Loan Management Services, LLC vs. JUSTIN R. HOLDER, owner(s) of the property situated in Erie County, Pennsylvania being 250

GRIDLEY AVENUE, ERIE, PA 16508  
Assessment Map Number: 18-053-034.0-224.00  
Assessed Value Figure: \$100,110.00  
Improvement Thereon: A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET, SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Sept. 27 and Oct. 4, 11

**SALE NO. 10**

**Ex. #11552 of 2018**  
**Nationstar Mortgage LLC**  
**DBA Mr. Cooper As Successor**  
**by Merger to Pacific Union**  
**Financial LLC, Plaintiff**  
**v.**

**BRADLEY D. LUCAS AKA**  
**BRADLEY DAVID LUCAS and**  
**ALLISON MARIE LUCAS,**  
**Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11552-18 Nationstar Mortgage LLC DBA Mr. Cooper As Successor by Merger to Pacific Union Financial LLC vs. BRADLEY D. LUCAS AKA BRADLEY DAVID LUCAS and ALLISON MARIE LUCAS, owner(s) of the property situated in Erie County, Pennsylvania being 2191 ROBERTS ROAD, ERIE, PA 16510  
Assessment Map Number: 27040143002700  
Assessed Value Figure: \$102,440.00  
Improvement Thereon: A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET, SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Sept. 27 and Oct. 4, 11

**SALE NO. 12**

**Ex. #11414 of 2019**  
**PENNSYLVANIA HOUSING**  
**FINANCE AGENCY, Plaintiff**  
**v.**  
**ERIC PERRON AND PAMELA**  
**B. PERRON, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution No. 2019-11414, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. ERIC PERRON AND PAMELA B. PERRON, Defendants Real Estate: 1204 EAST 29TH STREET, ERIE, PA 16504  
Municipality: City of Erie  
Erie County, Pennsylvania  
Dimensions: 31 x 125.45  
Deed Book/Inst#: Bk 1445, page 490  
Tax I.D. (18) 5045-210  
Assessment: \$16,900 (Land)  
\$50,300 (Bldg)  
Improvement thereon: a residential dwelling house as identified above  
Leon P. Haller, Esquire  
Purcell, Krug & Haller  
1719 North Front Street  
Harrisburg, PA 17104  
(717) 234-4178

Sept. 27 and Oct. 4, 11

**SALE NO. 13**

**Ex. #10568 of 2019**  
**Wells Fargo Bank, N.A., Plaintiff**  
**v.**

**Douglas J. Fuller, as Executor to**  
**the Estate of Douglas S. Fuller,**  
**AKA Douglas Fuller, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-10568, Wells Fargo Bank, N.A. vs. Douglas J. Fuller, as Executor to the Estate of Douglas S. Fuller, AKA Douglas Fuller, owner(s) of property situated in The Township of Millcreek, Erie County, Pennsylvania being 505 Glenruadh Avenue, Erie, PA 16505  
1238 square feet, 0.1649 acres  
Assessment Map Number: N/A  
Assessed Value figure: \$110,570.00  
Improvement thereon: Single Family Dwelling  
Justin F. Kobeski, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Sept. 27 and Oct. 4, 11

**SALE NO. 14**

**Ex. #11304 of 2019**  
**PNC Bank, National Association,**  
**Plaintiff**  
**v.**  
**Brian K. Hultberg; Sandra E.**

**Hultberg, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11304, PNC Bank, National Association vs. Brian K. Hultberg; Sandra E. Hultberg, owner(s) of property situated in The Township of McKean, Erie County, Pennsylvania being 4501 East Stancliff Road, McKean, PA 16426  
3002 sq ft  
Assessment Map Number: 31021073000501  
& 31021073000502  
Assessed Value figure: \$252,800.00  
Improvement thereon: Single Family Dwelling  
Justin F. Kobeski, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Sept. 27 and Oct. 4, 11

**SALE NO. 15**

**Ex. #11035 of 2019**  
**MidFirst Bank, Plaintiff**  
**v.**

**Heather M. Kalicky, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11035, MidFirst Bank vs. Heather M. Kalicky, owner(s) of property situated in The Township of Harborcreek, Erie County, Pennsylvania being 750 Irvine Drive, Erie, PA 16511  
1701 Square Feet, 0.8081 Acres  
Assessment Map Number: N/A  
Assessed Value figure: \$103,600.00  
Improvement thereon: Single Family Dwelling  
Justin F. Kobeski, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Sept. 27 and Oct. 4, 11

**SALE NO. 16**

**Ex. #11481 of 2019**  
**U.S. Bank National Association,**  
**as Trustee for The Structured**  
**Asset Investment Loan Trust,**  
**Mortgage Pass-Through**  
**Certificates, Series 2005-8,**  
**Plaintiff**  
**v.**  
**Kevin Arrington a/k/a Kevin**



**D. Arrington a/k/a Kevin D. Arrington, Sr. a/k/a Kevin Arrington, Sr., Defendant(s)**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11481, U.S. Bank National Association, as Trustee for The Structured Asset Investment Loan Trust, Mortgage Pass-Through Certificates, Series 2005-8 vs. Kevin Arrington a/k/a Kevin D. Arrington a/k/a Kevin D. Arrington, Sr. a/k/a Kevin Arrington, Sr. Amount Due: \$116,081.93  
Kevin Arrington a/k/a Kevin D. Arrington a/k/a Kevin D. Arrington, Sr. a/k/a Kevin Arrington, Sr., owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1149 West 10th Street, A/K/A 1149 West 10 Street, Erie, PA 16502-1140  
Dimensions: 35 X 165  
Acreage: 0.1373  
Assessment Map number: 16030056022100  
Assessed Value: \$78,150.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 17**

**Ex. #11528 of 2019**  
**Suntrust Bank s/b/m Suntrust Mortgage, Inc., Plaintiff**  
**v.**

**Virginia A. Bateman a/k/a Virginia A. Barnes, Defendant(s)**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11528, Suntrust Bank s/b/m Suntrust Mortgage, Inc. vs. Virginia A. Bateman a/k/a Virginia A. Barnes Amount Due: \$40,604.62  
Virginia A. Bateman a/k/a Virginia A. Barnes, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 415 Ash Street, Erie, PA 16507-1779  
Dimensions: 33 X 115  
Acreage: 0.0871  
Assessment Map number: 14010020022400

Assessed Value: \$30,400.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 18**

**Ex. #12903 of 2018**  
**Wells Fargo Bank, National Association, as Trustee for Abfc 2004-Opt3 Trust, Abfc Asset-Backed Certificates, Series 2004-Opt3, Plaintiff**  
**v.**

**James Blumish, Defendant(s)**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12903-18, Wells Fargo Bank, National Association, as Trustee for Abfc 2004-Opt3 Trust, Abfc Asset-Backed Certificates, Series 2004-Opt3 vs. James Blumish Amount Due: \$83,127.84  
James Blumish, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 637 West 36th Street, Erie, PA 16508-2643  
Dimensions: 30.9 X 110  
Acreage: .0780

Assessment Map number: 19061007021200  
Assessed Value: \$71,320.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 19**

**Ex. #12956 of 2016**  
**US Bank National Association, as Trustee for Sasco Mortgage Loan Trust 2006-Wf2, Plaintiff**  
**v.**

**Michael D. Coles a/k/a Michael Coles, Merlin Coles, Defendant(s)**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2016-12956, US Bank National Association, as Trustee for Sasco Mortgage Loan Trust 2006-

Wf2 vs. Michael D. Coles a/k/a Michael Coles, Merlin Coles Amount Due: \$71,098.46  
Michael D. Coles a/k/a Michael Coles, Merlin Coles, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania being 1110 West 20th Street, Erie, PA 16502  
Dimensions: 30 X 125  
Acreage: 0.0861  
Assessment Map number: 19-060-033.0-123.00  
Assessed Value: \$56,010.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 20**

**Ex. #11305 of 2019**  
**The Bank of New York Mellon fka The Bank of New York as Successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indenture Trustee for The Cwabs Revolving Home Equity Loan Asset Backed Notes, Series 2004-A, Plaintiff**  
**v.**

**Becky L. Cooper a/k/a Becky Cooper, in Her Capacity as Executrix and Devisee of The Estate of Roy L. Cooper a/k/a Roy Laverne Cooper, Defendant(s)**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11305, The Bank of New York Mellon fka The Bank of New York as Successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indenture Trustee for The Cwabs Revolving Home Equity Loan Asset Backed Notes, Series 2004-A vs. Becky L. Cooper a/k/a Becky Cooper, in Her Capacity as Executrix and Devisee of The Estate of Roy L. Cooper a/k/a Roy Laverne Cooper Amount Due: \$36,083.54  
Becky L. Cooper a/k/a Becky Cooper, in Her Capacity as Executrix and Devisee of The Estate of Roy L. Cooper a/k/a Roy Laverne

Cooper, owner(s) of property situated in UNION TOWNSHIP, Erie County, Pennsylvania being 15634 Route 8, Union City, PA 16438-9112  
 Acreage: 9.2000  
 Assessment Map number: 43008007000400  
 Assessed Value: \$86,880.00  
 Improvement thereon: residential  
 Phelan Hallinan Diamond & Jones, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 21**

**Ex. #11053 of 2019**

**Hsbc Bank USA, National  
 Association as Trustee for Wells  
 Fargo Home Equity Asset-  
 Backed Securities 2005-2 Trust,  
 Home Equity Asset-Backed  
 Certificates, Series 2005-2,  
 Plaintiff**

**v.**

**Todd A. Coyle, in His Capacity  
 as Administrator and Heir of  
 The Estate of James A. Coyle  
 a/k/a James Arthur Coyle and  
 in His Capacity as Heir of Mary  
 L. Coyle, Deceased, Kathleen L.  
 Coyle, in Her Capacity as Heir  
 of The Estate of James A. Coyle  
 a/k/a James Arthur Coyle and  
 in Her Capacity as Heir of Mary  
 L. Coyle, Deceased, Ryan James  
 Coyle, in His Capacity as Heir  
 of The Estate of James A. Coyle  
 a/k/a James Arthur Coyle and in  
 His Capacity as Heir of Mary L.  
 Coyle, Deceased, Unknown Heirs,  
 Successors, Assigns, and All  
 Persons, Firms, or Associations  
 Claiming Right, Title or Interest  
 From or Under James A. Coyle,  
 Deceased, Unknown Heirs,  
 Successors, Assigns, and All  
 Persons, Firms, or Associations  
 Claiming Right, Title or Interest  
 From or Under Mary L. Coyle,  
 Deceased, Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11053-2019, Hsbc Bank USA, National Association as Trustee for Wells Fargo Home

Equity Asset-Backed Securities 2005-2 Trust, Home Equity Asset-Backed Certificates, Series 2005-2 vs. Todd A. Coyle, in His Capacity as Administrator and Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in His Capacity as Heir of Mary L. Coyle, Deceased, Kathleen L. Coyle, in Her Capacity as Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in Her Capacity as Heir of Mary L. Coyle, Deceased, Ryan James Coyle, in His Capacity as Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in His Capacity as Heir of Mary L. Coyle, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under James A. Coyle, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Mary L. Coyle, Deceased

Amount Due: \$40,768.87

Todd A. Coyle, in His Capacity as Administrator and Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in His Capacity as Heir of Mary L. Coyle, Deceased, Kathleen L. Coyle, in Her Capacity as Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in Her Capacity as Heir of Mary L. Coyle, Deceased, Ryan James Coyle, in His Capacity as Heir of The Estate of James A. Coyle a/k/a James Arthur Coyle and in His Capacity as Heir of Mary L. Coyle, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under James A. Coyle, Deceased, Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Mary L. Coyle, Deceased, owner(s) of property situated in SPRINGFIELD TOWNSHIP, Erie County, Pennsylvania being 13891 West Ridge Road, A/K/A 13891 Ridge Road, West Springfield, PA 16443

Dimensions: 60 X 307.25  
 Square Footage: 1,344  
 Assessment Map number: 39-015-042.0-005.00  
 Assessed Value: \$82,600.00  
 Improvement thereon: residential  
 Phelan Hallinan Diamond & Jones, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 22**

**Ex. #10598 of 2019**

**Lakeview Loan Servicing, LLC,  
 Plaintiff**

**v.**

**Robert L. Ebbert, III,  
 Defendant(s)  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10598-19, Lakeview Loan Servicing, LLC vs. Robert L. Ebbert, III

Amount Due: \$71,258.25

Robert L. Ebbert, III, owner(s) of property situated in MILLCREEK TOWNSHIP, Erie County, Pennsylvania being 1310 Hilborn Avenue, Erie, PA 16505-4227

Dimensions: 40 X 150

Assessment Map number: 33034176001100

Assessed Value: \$88,000.00

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

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

(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 24**

**Ex. #11660 of 2019**

**Wells Fargo Bank, N.A., Plaintiff**

**v.**

**Keith Guy McIntyre,  
 Defendant(s)  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-11660, Wells Fargo Bank, N.A. vs. Keith Guy McIntyre

Amount Due: \$66,582.27

Keith Guy McIntyre, owner(s) of property situated in ERIE CITY,

Erie County, Pennsylvania being  
1121 East 35th Street, A/K/A 1121  
East 35 Street, Erie, PA 16504-1831  
Dimensions: 35 X 120  
Assessment Map number: 18-052-  
011.0-416.00  
Assessed Value: \$59,800.00  
Improvement thereon: residential  
Phelan Hallinan Diamond & Jones, LLP  
One Penn Center at Suburban  
Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Sept. 27 and Oct. 4, 11

**SALE NO. 25**

**Ex. #11061 of 2018**

**Pennymac Loan Services, LLC,  
Plaintiff**

**v.**

**Kevin E. Perschka A/K/A Kevin  
Perschka, Kristina A. Perschka,  
Defendant(s)**

**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 11061-18, Pennymac  
Loan Services, LLC vs. Kevin E.  
Perschka A/K/A Kevin Perschka,  
Kristina A. Perschka

Amount Due: \$118,470.69

Kevin E. Perschka A/K/A Kevin  
Perschka, Kristina A. Perschka,  
owner(s) of property situated  
in ERIE CITY, Erie County,  
Pennsylvania being 1549 East 42nd  
Street, Erie, PA 16510-3417  
Dimensions: 80 X 150

Assessment Map number:  
18052052010300

Assessed Value: \$129,580.00

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

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

Sept. 27 and Oct. 4, 11

**SALE NO. 26**

**Ex. #11297 of 2019**

**U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE  
FOR J.P. MORGAN  
MORTGAGE ACQUISITION  
CORP. 2005-OPT2, ASSET  
BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2005-**

**OPT2, Plaintiff**

**v.**

**KEVIN S. ROBERTS; TRACY  
L. ROBERTS, Defendant(s)**

**DESCRIPTION**

ALL THOSE CERTAIN LOTS  
OR PIECES OF GROUND  
SITUATE IN THE TOWNSHIP OF  
WATERFORD, ERIE COUNTY,  
PENNSYLVANIA:

BEING KNOWN AS:  
10005 BESSEMER ROAD,  
CRANESVILLE, PA 16410-9720  
PARCEL NUMBER:

04007020000100

IMPROVEMENTS:

RESIDENTIAL PROPERTY

RAS Citron, LLC

Robert Crawley, Esq.

Attorney ID No. 319712

133 Gaither Drive, Suite F

Mt. Laurel, NJ 08054

855-225-6906

Sept. 27 and Oct. 4, 11

**SALE NO. 27**

**Ex. #11430 of 2019**

**DITECH FINANCIAL LLC,  
Plaintiff**

**v.**

**VELVET L. WARNER;  
SANDRA A. WARNER,  
Defendant(s)**

**DESCRIPTION**

ALL THOSE CERTAIN LOTS  
OR PIECES OF GROUND  
SITUATE IN THE TOWNSHIP  
OF CORRY, ERIE COUNTY,  
PENNSYLVANIA:

BEING KNOWN AS: 549 WEST  
CHURCH STREET, CORRY, PA  
16407

PARCEL NUMBER:

08034137001600

IMPROVEMENTS:

RESIDENTIAL PROPERTY

RAS Citron, LLC

Robert Crawley, Esq.

Attorney ID No. 319712

133 Gaither Drive, Suite F

Mt. Laurel, NJ 08054

855-225-6906

Sept. 27 and Oct. 4, 11

**SALE NO. 28**

**Ex. #11428 of 2019**

**DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS  
TRUSTEE FOR AMERIQUEST**

**MORTGAGE SECURITIES  
INC., ASSET-BACKED PASS-  
THROUGH CERTIFICATES,  
SERIES 2006-R1, Plaintiff**

**v.**

**PATRICIA LYNNE WEED,  
Defendant(s)**

**DESCRIPTION**

ALL THOSE CERTAIN LOTS  
OR PIECES OF GROUND  
SITUATE IN THE TOWNSHIP  
OF CORRY, ERIE COUNTY,  
PENNSYLVANIA:

BEING KNOWN AS: 504 MEAD  
AVENUE, CORRY, PA 16407  
PARCEL NUMBER:

07023041000500

IMPROVEMENTS:

RESIDENTIAL PROPERTY

RAS Citron, LLC

Robert Crawley, Esq.

Attorney ID No. 319712

133 Gaither Drive, Suite F

Mt. Laurel, NJ 08054

855-225-6906

Sept. 27 and Oct. 4, 11

**SALE NO. 29**

**Ex. #11146 of 2019**

**Carrington Mortgage Services,  
LLC, Plaintiff**

**v.**

**Christina M. Scott, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 2019-11146, Carrington  
Mortgage Services, LLC vs.  
Christina M. Scott, owner(s) of  
property situated in Union City  
Borough, Erie County, Pennsylvania  
being 24 Gillette Street, Union City,  
PA 16438

0.1477

Assessment Map number:  
41014059000400

Assessed Value figure: \$30,280.00  
Improvement thereon: a residential  
dwelling

Katherine M. Wolf, Esquire

Shapiro & DeNardo, LLC

Attorney for Movant/Applicant

3600 Horizon Drive, Suite 150

King of Prussia, PA 19406

(610) 278-6800

Sept. 27 and Oct. 4, 11

**SALE NO. 30**

**Ex. #10587 of 2019**

**NewRez LLC d/b/a Shellpoint  
Mortgage Servicing, Plaintiff**

**v.**

**Joseph Brutto and Genna Wood,  
Defendants**

**DESCRIPTION**

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

BEING Parcel No. 2 as shown on a Survey prepared by Terry A. Darnofall, which was recorded on August 30, 1984, in Erie County Map Book 27 at Page 6 and to which reference is made for further description.

Containing 10.592 acres of land and having erected thereon a residential home.

The improvements thereon being known as 4555 Route 6, Waterford, Pennsylvania - 16441.

Parcel No. 30021087000400

BEING the same premises which Jason C. Walmer and Ashley Walmer, husband and wife, by Deed dated September 30, 2016 and recorded in the Office of Recorder of Deeds of Erie County on October 3, 2016 at Instrument No. 2016-021551 granted and conveyed unto Joseph Brutto and Genna Wood as joint tenants with right of survivorship.

Daniel Jones, Esquire

STERN & EISENBERG, PC

1581 Main Street, Suite 200

The Shops at Valley Square

Warrington, PA 18976

(215) 572-8111

Sept. 27 and Oct. 4, 11

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Local Franchise Owner

1419 W. 26th Street  
Erie, PA 16508

p: 800.713.2111  
c: 814.602.2319  
[kyle.bohrer@unishippers.com](mailto:kyle.bohrer@unishippers.com)

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**ESTATE NOTICES**

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

**FIRST PUBLICATION**

**ALLEN, HERBERT C.,  
deceased**

Late of City of Corry, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Carl V. Allen  
*Attorney:* Schellart H. Joyce, Esquire, Los Scales Elder Law, 110 W. Spring St., P.O.B. 346, Titusville, PA 16354

**DANYLUK, MARY C.,  
deceased**

Late of City of Erie  
*Executrix:* Jo Ann Bawol, 6331 Stonebrook Drive, Fairview, PA 16415  
*Attorney:* Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**GAITHER, GORDEN C., a/k/a  
GORDEN GAITHER,  
deceased**

Late of Erie, Erie County, Pennsylvania  
*Executrix:* Patricia A. Ambrose, c/o Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501  
*Attorney:* Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

**HELLIER, JULIE MAUREEN,  
deceased**

Late of the Springfield Township, County of Erie, Pennsylvania  
*Administrator:* Gregory L. Heidt, 150 East 8th Street, Erie, PA 16501  
*Attorney:* Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**KIRBY, SUSAN  
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Kathleen Thompson  
*Attorney:* James H. Richardson, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**LECKER, PRISCILLA M., a/k/a  
PRISCILLA LECKER,  
deceased**

Late of the Township of Wesleyville Boro, County of Erie and Commonwealth of Pennsylvania  
*Executor:* John H. Irwin, 2028 Center Street, Erie, PA 16510  
*Attorney:* None

**MUNTEAN, NICOLAE (NICK),  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Valerie Ann Young, 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

**SCHILLINGER, NANCY M.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Judith M. Cook  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**STRAWBRIDGE, SCOTT E.,  
deceased**

Late of the City of Franklin, Venango County  
*Administrator:* Frances Strawbridge  
*Attorney:* John F. Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**STRUCHEN, BETTY,  
deceased**

Late of the Borough of Girard, County of Erie, Pennsylvania  
*Executrix:* Kelly Barker, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**SWABB, JUDITH A.,  
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Debra S. Hayes, 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

**SWANSON, CAROLINE A.,  
deceased**

Late of Millcreek Township  
*Executor:* John P. Swanson, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**SWARTZ, HERBERT V.,  
deceased**

Late of Township of Millcreek, Erie County, Commonwealth of Pennsylvania  
*Co-Executrices:* Linda A. Kaleta and Brenda A. Pasko, c/o Knox Law Firm, 120 W. 10th St., Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501



**TAYLOR, LARRY S., a/k/a  
LARRY STEPHEN TAYLOR,  
deceased**

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

*Executor:* Jeffrey L. Taylor, c/o  
John J. Shimek, III, Esquire,  
Sterrett Mott Breski & Shimek,  
345 West 6th Street, Erie, PA  
16507

*Attorney:* John J. Shimek, III,  
Esquire, Sterrett Mott Breski &  
Shimek, 345 West 6th Street, Erie,  
PA 16507

**TRUST NOTICES**

Notice is hereby given of the  
administration of the Trust set forth  
below. All persons having claims  
or demands against the decedent  
are requested to make known the  
same and all persons indebted to  
said decedent are required to make  
payment without delay to the trustees  
or attorneys named below:

**CROSS, DONALD J.,  
deceased**

Late of Lawrence Park Township,  
County of Erie and Commonwealth  
of Pennsylvania

*Successor Trustee:* Diane Cross  
Miller, 2371 Nolan Drive, Largo,  
Florida 33770

*Attorney:* None

**SECOND PUBLICATION****CERMAK, LOIS R.,  
deceased**

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

*Executor:* Gerald A. Cermak, 3205  
Suburban Lane, Erie, PA 16506

*Attorney:* None

**CLEMENS, ISABELLA.,  
deceased**

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

*Executor:* Jane M. Clemens,  
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

**DeSANTO, WALTER E.,  
deceased**

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

*Co-Executors:* John M. DeSanto,  
2770 Braeburn, Columbus, IN  
47201-1549 and Eugenia M.  
Sparks, 18945 Melrose Road,  
Wildwood, MO 63038-1610

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

**DUBOWSKI, JOHN P., JR., a/k/a  
JOHN P. DUBOWSKI, a/k/a  
JOHN PAUL DUBOWSKI, JR.,  
deceased**

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

*Executor:* John P. Dubowski,  
III, 46470 Crabapple Rd., St.  
Clairsville, OH 43950

*Attorney:* Brian M. McGowan,  
Esq., 8220 Old French Road, Erie,  
PA 16509

**KOSTEK, MARJORIE L.,  
deceased**

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

*Executor:* Robert Kostek, 177  
Bank Street, North East, PA 16428  
*Attorney:* Gary K. Schonhalter,  
Esquire, The Conrad - F.A.  
Brevillier House, 502 Parade  
Street, Erie, PA 16507

**LEACH-RUFF, NEALY, a/k/a  
NEALLIE MAE LEACH-RUFF,  
deceased**

Late of the City of Erie

*Executrix:* Nadine Leach

*Attorney:* Andrew J. Sisinni,  
Esquire, 1314 Griswold Plaza,  
Erie, PA 16501

**McDANNEL, NANCY L., a/k/a  
NANCY McDANNEL, a/k/a  
NANCY LOU McDANNEL,  
deceased**

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

*Co-Executors:* Dale P. McDannel  
and Robin L. Brown, c/o 504 State  
Street, 3rd Floor, Erie, PA 16501

*Attorney:* Michael J. Nies, Esquire,  
504 State Street, 3rd Floor, Erie,  
PA 16501

**MILLER, GLORIA,  
deceased**

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

*Executor:* Mark G. Miller, c/o W.  
Atchley Holmes, Esq., Suite 300,  
300 State Street, Erie, PA 16507

*Attorney:* W. Atchley Holmes,  
Esq., MARSH, SPAEDER,  
BAUR, SPAEDER & SCHAAF,  
LLP, Suite 300, 300 State Street,  
Erie, PA 16507

**MIZIKOWSKI, IRENE H., a/k/a  
IRENE H. HELMINSKI,  
deceased**

Late of 4400 East Lake Road, Apt.  
124, Erie, PA 16511

*Executor:* Gerard F. Mizikowski,  
5160 Fox Park Drive, Fairview,  
PA 16415

*Attorney:* None

**PETERS, MARY ALICE, a/k/a  
MARY A. PETERS,  
deceased**

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

*Executrix:* Amy E. Hoffer, 506  
Lincoln Avenue, Erie, PA 16505  
*Attorney:* James R. Steadman,  
Esq., 24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**REEGER, DAVID LEROY, a/k/a  
DAVID L. REEGER, a/k/a  
DAVID REEGER,  
deceased**

Late of Erie, Erie County,  
Pennsylvania  
*Administrator:* Denise A. Reeger,  
c/o Dan W. Susi, Esquire, 714  
Sassafras Street, Erie, PA 16501  
*Attorney:* Dan W. Susi, Esquire,  
714 Sassafras Street, Erie, PA  
16501

**ROYER, EMMA B., a/k/a  
ROYER, EMMA BELL,  
deceased**

Late of Township of Greene,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executor:* Lisa Spyker, c/o James  
A. Pitonyak, Esquire, 1001 State  
Street, Suite 303, Erie, PA 16501  
*Attorney:* James A. Pitonyak,  
Esquire, 1001 State Street, Suite  
303, Erie, PA 16501

**SILVERTHORN, LEE B., a/k/a  
LEE BURTON SILVERTHORN,  
SR., a/k/a LEE BURTON  
SILVERTHORN,  
deceased**

Late of Millcreek Township,  
Erie County, Commonwealth of  
Pennsylvania  
*Executor:* Ann Marie Silverthorn,  
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

**WASSON, MARION L., a/k/a  
MARION SUTTLES WASSON,  
deceased**

Late of Harborcreek Township,  
Erie County, Commonwealth of  
Pennsylvania  
*Co-Executors:* Candis M. Knepper  
and Robert A. Wasson, 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

**WOJTKIELEWICZ, HENRY,  
a/k/a HENRY WARD, a/k/a  
HENRY R. WOJTKIELEWICZ  
WARD,  
deceased**

Late of the Township of  
Millcreek, County of Erie, and  
Commonwealth of Pennsylvania  
*Executrix:* Melissa L. Larese,  
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

### THIRD PUBLICATION

**ABBOTT, GEORGE L.,  
deceased**

Late of the Township of  
Harborcreek, County of Erie, and  
Commonwealth of Pennsylvania  
*Executrix:* Margaret V. Abbott, c/o  
300 State Street, Suite 300, Erie,  
PA 16507  
*Attorney:* Thomas V. Myers,  
Esquire, Marsh Spaeder Baur  
Spaeder & Schaaf, LLP, 300 State  
Street, Suite 300, Erie, PA 16507

**CRAWFORD, KENNETH, JR.,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Executrix:* Shannon L. Owers  
*Attorney:* David J. Rhodes,  
Esquire, ELDERKIN LAW FIRM,  
150 East 8th Street, Erie, PA 16501

**DAUGHERTY, MABEL A.,  
deceased**

Late of the City of Erie, County  
of Erie, Commonwealth of  
Pennsylvania  
*Executrix:* Janet M. Stonbraker,  
100 Railroad Street, Timblin, PA  
15778  
*Attorney:* Valerie H. Kuntz, Esq.,  
24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**DONOHUE, JANICE M.,  
deceased**

Late of the City of Erie, County  
of Erie and State of Pennsylvania  
*Administrator:* Katherine M.  
Pytlarz, c/o 227 West 5th Street,  
Erie, PA 16507  
*Attorney:* Mark O. Prenatt,  
Esquire, 227 West 5th Street,  
Erie, PA 16507

**HARDING, BARBARA A.,  
deceased**

Late of the Waterford Township,  
County of Erie, Pennsylvania  
*Executrix:* Heather McIntire, c/o  
3939 West Ridge Road, Suite  
B-27, Erie, PA 16506  
*Attorney:* James L. Moran,  
Esquire, 3939 West Ridge Road,  
Suite B-27, Erie, PA 16506

**JONES, ROBERT ARNOLD,  
a/k/a R. ARNOLD JONES,  
deceased**

Late of Cranesville Borough,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executor:* Wayne T. Jones,  
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

**JOZEFECZYK, WALTER T.,  
deceased**

Late of Millcreek Township, Erie  
County, Pennsylvania  
*Administratrix:* Suzanne M.  
Jozefczyk, c/o 150 East 8th Street,  
Erie, PA 16501  
*Attorney:* Gregory L. Heidt,  
Esquire, 150 East 8th Street, Erie,  
PA 16501



**KEELEY, DAMIAN LEE,  
deceased**

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

*Co-Administratrices:* Billie Jo  
Hearst and Janelle Beach, 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

**SEBALD, MICHAEL W., II, a/k/a  
MICHAEL W. SEBALD, a/k/a  
MICHAEL WILLIAM SEBALD,  
II, a/k/a MICHAEL WILLIAM  
SEBALD,  
deceased**

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

*Executrix:* Raija Sebal, 4007  
Sunset Blvd., Erie, PA 16504  
*Attorney:* None

**LEWIS, ALLIENE D.,  
deceased**

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

*Co-Executors:* Nancy L. Lewis,  
9016 Neuburger Road, Fairview,  
Pennsylvania 16415 and Debra J.  
Lewis, 6219 West Road, McKean,  
Pennsylvania 16426  
*Attorney:* Grant M. Yochim, Esq.,  
24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**WARREN, NYON ZIREE,  
deceased**

Late of the City of Erie, Erie  
County

*Administratrix:* Latrice Williams  
*Attorney:* William J. Kelly, Jr.,  
Esquire, 230 West 6th Street, Suite  
201, Erie, PA 16507



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## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

PAUL S. SELLERS .....814-452-2906  
Assistant United States Attorney  
Western District of Pennsylvania - Erie  
17 S. Park Row, Ste A330  
Erie, PA 16501 .....*Paul.Sellers@usdoj.gov*

### New email address

KRISTIN L. PRECHTEL.....*kristin.prechtel@gmail.com*

JENNIFER JOHNSTON BLAKELY.....*JBlakely@BlakelyandBlakely.com*

### ATTENTION ALL ATTORNEYS

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