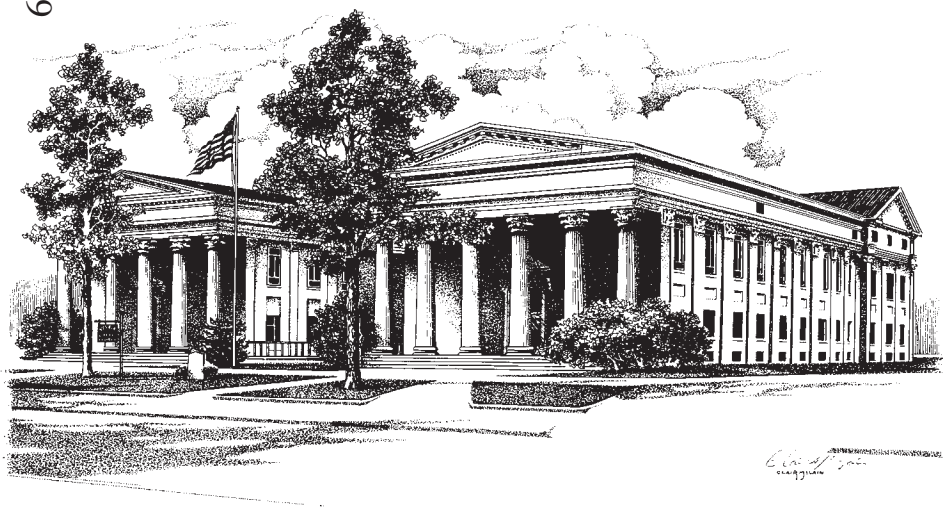


Erie County Legal Journal

November 15, 2019

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The Illuminating Company, LCI v. Rodriques

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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Erie County Bar Association

Calendar of Events and Seminars

TUESDAY, NOVEMBER 19, 2019

Budget & Finance Committee Meeting
8:00 a.m.
ECBA Headquarters

THURSDAY, NOVEMBER 21, 2019

ECBA Video Replay
*Observations from the Bench & Private Practice:
Tips on Effectively Advancing Your Client's Interests
During the Litigation Process*
ECBA Headquarters
9:00 a.m. - 10:00 a.m.
\$47 (ECBA members)
\$60 (non-members)
1 hour substantive

THURSDAY, NOVEMBER 21, 2019

Defense Bar Meeting
Noon
ECBA Headquarters

MONDAY, NOVEMBER 25, 2019

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, NOVEMBER 26, 2019

ECBA Live Seminar
An Update on WCAIS
The Will J. Schaaf & Mary B. Schaaf Education Center
12:00 p.m. - Lunch
12:30 p.m. - 1:00 p.m. - Seminar
\$5 (lunch only)
\$47 (lunch with CLE credit)
1 hour substantive



Erie County Bar
Association



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THURSDAY, NOVEMBER 28, 2019

FRIDAY, NOVEMBER 29, 2019
Thanksgiving Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

WEDNESDAY, DECEMBER 4, 2019

ECBA Annual Membership Meeting & CLE
Lake Shore Country Club
Registration - 2:00 p.m.
Proficient Legal Writing — A Judge's Perspective
2:15 p.m. - 3:45 p.m.
\$70 (ECBA members), \$90 (non-members)
1.5 hour substantive
Transfer break - 3:45 p.m. - 4:00 p.m.
Avoiding Malpractice
4:00 p.m. - 5:00 p.m.
\$47 (ECBA members), \$60 (non-members)
1 hour ethics
followed by
Social "Hour" - 5:00 p.m. - 5:30 p.m.
Business Meeting - 5:30 p.m. - 6:30 p.m.
Cocktail Party - 6:30 - 7:30 p.m.

THURSDAY, DECEMBER 5, 2019

ECBA Video Replay
*No One Makes It Out Unscathed: The Effects of
Personal Trauma and Stress On Our Lives*
ECBA Headquarters
4:00 p.m. - 5:00 p.m.
\$47 (ECBA members)
\$60 (non-members)
1 hour ethics

To view PBI seminars visit the events calendar
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THE ILLUMINATING COMPANY, LCI
v.
ANTHONY H. RODRIQUES

JUDGMENTS / APPEAL

Pennsylvania Rule of Appellate Procedure 1925(b) states a trial court judge “may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal.”

JUDGMENTS / APPEAL

This Rule directs Appellant on how the Statement should be filed: “Appellant shall file of record the Statement and concurrently shall serve the judge. Filing of record and service on the judge shall be in person or by mail ... Service on parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121 (c).” Pa.R.A.P. 1925(b) (1) (emphasis added). The appellant shall have “at least 21 days from the date of the order’s entry on the docket for the filing and service of the Statement.” Pa.R.A.P. 1925(b)(2).

JUDGMENTS / APPEAL

Appellant’s failure to raise any issues in accordance with its provisions will result in the waiver of those issues: “Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b) (4) are waived.”

JUDGMENTS / APPEAL

In addition, appellants who want an extension of time to file their 1925(b) statement must petition the trial court within the twenty-one day period and provide the court with a “good cause” explanation for an extension of a specific amount of time in which to file the 1925(b) Statement.

JUDGMENTS / APPEAL

Finally, pursuant to *Commonwealth v. Castillo*, 888 A.2d 775, 780 (Pa. 2005), this Trial Court may not deviate from the bright-line rule requiring Appellant to comply with the clear mandates of Pa.R.A.P. 1925(b) when Appellant is directed to do so.

JUDGMENTS / APPEAL

Under Pa.R.A.P. 1911(a), the appellant has the duty to order any and all transcripts required for review and to make any necessary deposit or payment for said transcripts.

JUDGMENTS / APPEAL

The law is clear: “Once entered, a compulsory arbitration award may only be challenged by a timely appeal to the Court of Common Pleas for a trial de novo.” *Blucas v. Agiovlasitis*, 179 A.3d 520, 524 (Pa. Super. Ct. 2018) (citing Pa.R.C.P. 1308(a); 42 Pa.C.S.A § 7361(d)). The Rules of Civil Procedure require an appeal from the arbitrator’s decision be filed within thirty (30) days from the date of the arbitration award.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
 NO. 10110-2018
 957 WDA 2019

Appearances: Anthony H. Rodriques, Esq., *pro se*, Appellant
 James P. Valecko, Esq., on behalf of The Illuminating Company, LCI, Appellee

1925(a) OPINION

Domitrovich, J.

August 26, 2019

Defendant in this instant civil action, Anthony H. Rodrigues, Esq. (hereinafter “Appellant”), a licensed attorney in Pennsylvania since May 25, 2010, and representing himself in the instant case, filed his appeal raising one issue: whether the Erie County Prothonotary’s Office provided him with proper notice regarding the arbitration award against him.¹ His instant appeal, however, contains four fatal defects, each of which are dispositive individually: (1) Appellant failed to serve timely this Trial Court with his “Concise Statement of Matters Complained of on Appeal” pursuant to Pennsylvania Rule of Appellate Procedure 1925; (2) Appellant failed to pay for the transcript of the necessary proceeding below, i.e., the Hearing on his “Defendant’s Petition To Set Aside Arbitrators’ Finding For The Plaintiff,” pursuant to Pennsylvania Rule of Appellate Procedure 1911(d), Rule of Judicial Administration 4007(D), and Erie County Rule of Judicial Administration 4007(B); (3) Appellant failed to appeal timely the decision of the arbitration panel undisputedly after knowing the arbitration had taken place, pursuant to Pennsylvania Rule of Civil Procedure 1307; and (4) Appellant failed to file a timely post-trial motion, pursuant to Pennsylvania Rule of Civil Procedure 227.1.

The relevant factual and procedural history is as follows: On January 16, 2018, The Illuminating Company, LCI, the Plaintiff, (hereinafter “Appellee”) filed a Complaint against Appellant alleging Appellant owed eight thousand six hundred fifty-two dollars and fifty-one cents (\$8,652.51) for an electric bill past due for an extensive period of time for a property located at 3320 Station Ave., in Ashtabula, Ohio. On March 1, 2018, Appellant filed his Answer which contained general denials.² On June 13, 2018, Appellee filed a Notice Pursuant to Pennsylvania Rules of Civil Procedure 1305(b) indicating which documents Appellee intended to introduce at the time of the arbitration. On July 13, 2018, Appellee filed a Praecipe for Arbitration. On July 16, 2018, the Erie County Prothonotary’s Office sent a “Prothonotary Arbitration Nominating Board - Three Member Panel” to Appellant and Appellee. On July 30, 2018, the Erie County Prothonotary sent a “Notice of Arbitration Panel” to Appellant and Appellee. On August 13, 2018, George Schroeck, Esq., the Chairperson of the Arbitration Panel, sent a letter to the Erie County Prothonotary indicating one of the named arbitrators for the arbitration panel had a conflict and must be replaced. On August 15, 2018, the Erie County Prothonotary nominated three (3) attorneys to replace the conflicted arbitrator, which Appellant and Appellee’s counsel each struck one (1) of the attorneys from the list. On August 24, 2018, the Erie County Prothonotary sent to Appellant and Appellee an amended “Notice of Arbitration Panel.”

On November 14, 2018, Appellant responded to an email from Karen Klapsinos, Esq., an attorney from the Chairperson’s Office who was scheduling the arbitration. Undisputedly, Appellant indicated he would be available on January 28, 2019 for the arbitration. (*See Plaintiff’s Response To Defendant’s Petition To Set Aside Arbitrators’ Finding For The Plaintiff*

¹ Upon review of Appellant’s Concise Statement, which was served upon this Trial Court *after* the twenty-one day period had run, this Trial Court found only one issue within Appellant’s four (4) paragraphs.

² This Trial Court notes general denials are admissions as per Pennsylvania Rule of Civil Procedure 1029, which states: “Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subdivisions (c) and (e) of this rule, shall have the effect of an admission.” Pa.R.C.P. No. 1029.

Exhibit 1, which has been re-labeled and attached hereto as Court Exhibit A). On November 16, 2018, a Notice from Karen Klapsinos, Esq. was sent on behalf of the Chairperson to Appellant and Appellee, specifically to Appellant's email at tony.rodriques@yahoo.com confirming the arbitration was scheduled for January 28, 2019 at 1 :30 p.m. (See *Plaintiff's Response To Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff* Exhibit 2 which has been re-labeled and attached hereto as Court Exhibit B). The Erie County Prothonotary's Office filed and sent a Notice of Scheduled Arbitration to Appellant on November 16, 2018. (See *Plaintiff's Response To Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff* Exhibit 3 which has been re-labeled and attached hereto as Court Exhibit C).

On January 28, 2019, at the time of the scheduled arbitration, Appellant failed to appear. Appellee presented evidence to the Arbitration Panel for Plaintiff at the scheduled arbitration, including a witness from Akron, Ohio. (See *Plaintiff's Response To Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff* ¶7). The Arbitration Panel found in favor of the Appellee and filed Oath of Arbitrators and Award. The Prothonotary entered the Arbitrator's Award onto the Docket on January 28, 2019 at 2:47 p.m.

On March 15, 2019, counsel for Appellee, James P. Valecko, Esq., an attorney from Pittsburgh, Pennsylvania, filed a "Praecipe For Judgment On Award Of Arbitrators As To Anthony H. Rodriques" to the Erie County Prothonotary, along with his Certificate of Service indicating proper service by mail upon Appellant. The Erie County Prothonotary entered the judgment against Appellant on the same day, and then as indicated on the docket properly sent notice of the entry of judgment against Appellant on March 18, 2019. On March 20, 2019, Appellant filed "Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff." On March 21, 2019, this Trial Court scheduled a hearing on Appellant's "Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff" for May 23, 2019.

Approximately thirty (30) minutes before said hearing on May 23, 2019 at 10:42 a.m., Appellant filed *sua sponte* an "Amended Defendant's Answer to Complaint" without leave of Court.³ His Amended Answer was filed more than fourteen (14) months after Appellant filed his original Answer and more than two (2) months after the judgment was entered against him.

On May 23, 2019 at 11:15 a.m., this Trial Court held a hearing and heard argument regarding Appellant's "Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff." At the time of the hearing, counsel for Appellee presented Exhibits attached to Appellee's response to Appellant's Petition demonstrating Appellant participated in selecting the arbitration hearing date, which Appellant ultimately failed to attend. Appellant subsequently claimed he did not receive a copy of the arbitration findings. However, this Trial Court heard credible testimony regarding the procedures of the Erie County Prothonotary in placing courthouse mail in Appellant's courthouse Prothonotary mailbox, which Appellant specifically requested to have for his court house correspondence and notices. Appellant also continues to use this courthouse box in the Prothonotary's office to the instant date. On May 24, 2019, this Trial Court entered an Order denying Appellant's "Petition to Set Aside Arbitrators' Finding For The Plaintiff." (See attached Exhibit D).

³ After review of the docket, this Trial Court is unable to find any filed consent from the adverse party or any Order from this Trial Court granting Appellant leave of Court to file said Amended Answer. See Pennsylvania Rule of Civil Procedure 1033.

On June 26, 2019, Appellant filed a Notice of Appeal. This Trial Court issued an Order dated June 26, 2019 directing Appellant: “to forthwith file of record a Concise Statement of Matters Complained of on Appeal within twenty-one (21) days of the entry of this Order, and to serve a copy thereof on the undersigned Judge. Any issue not properly included in a timely filed and served concise statement shall be deemed waived.” Also, this Trial Court ***specifically directed*** Anthony H. Rodriques, Esq. to apply to the Court Reporters for the transcript and pay any required fees for appeal purposes. (See attached Exhibit E).

On July 17, 2019, Appellant simultaneously filed in the Prothonotary’s Office a Concise Statement of Matters Complained of on Appeal with his “First Motion for Extension of Time to File Concise Statement of Matters Complained of on Appeal.” Two days later, on July 19, 2019, Appellant simultaneously served this Trial Court with his Concise Statement of Matters Complained of on Appeal and “First Motion for Extension of Time to File Concise Statement of Matters Complained of on Appeal.” This Trial Court dismissed Appellant’s “First Motion for Extension of Time to File Concise Statement of Matters Complained of on Appeal” as rendered moot.

The first issue this Trial Court addresses is whether Appellant has waived all issues for appeal for failing to timely serve this Trial Court with his Concise Statement of Matters on Appeal. Appellant was late by two (2) days. Pennsylvania Rule of Appellate Procedure 1925(b) states a trial court judge “may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal.” Pa.R.A.P. 1925(b). This Rule directs Appellant on how the Statement should be filed: “***Appellant shall file of record the Statement and concurrently shall serve the judge.*** Filing of record and service on the judge shall be in person or by mail ... Service on parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).” Pa.R.A.P. 1925(b)(1) (emphasis added). The appellant shall have “at least 21 days from the date of the order’s entry on the docket for the filing and service of the Statement.” Pa.R.A.P. 1925(b)(2). Appellant’s failure to raise any issues in accordance with its provisions will result in the waiver of those issues:

“Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b) (4) are waived.”

Pa.R.A.P. 1925(b)(4)(vii); *see also Com. v. Hill*, 16 A.3d 484 (Pa. 2011) (“Our jurisprudence is clear and well-settled, and firmly establishes that: Rule 1925(b) sets out ***a simple bright-line rule***, which obligates an appellant to file ***and serve*** a Rule 1925(b) statement, when so ordered; any issues not raised in a Rule 1925(b) statement will be deemed waived[.]”) (emphasis added). In the instant case, this Trial Court’s Order directed Appellant “to forthwith file of record a Concise Statement of Matters Complained of on Appeal within twenty-one (21) days of the entry of this Order and serve a copy thereof on the undersigned Judge. Any issue not properly included in a timely filed and served concise statement shall be deemed waived.” (See Exhibit E).

In addition, appellants who want an extension of time to file their 1925(b) statement must petition the trial court within the twenty-one day period and provide the court with a “good cause” explanation for an extension of a specific amount of time in which to file

the 1925(b) Statement. *See* Pa.R.A.P. 1925(b)(2); *see also* *Commonwealth v. Gravely*, 970 A.2d 1137, 1144 (Pa. 2009). If a trial court issues an order granting an extension request, only then will issues raised in an otherwise untimely 1925(b) statement can be preserved for appellate review. *See e.g.*, *Commonwealth v. Mitchell*, 902 A.2d 430, 444 (Pa. 2006) (statement timely filed outside of twenty-one day period where “several extensions of time” were properly made).

In the instant case, this Trial Court issued a Rule 1925(b) Order on June 26, 2019, which was filed of record and time-stamped by the Erie County Prothonotary’s Office on June 26, 2019, directing Appellant to file a Concise Statement of Errors Complained of on Appeal within twenty-one days of the entry of said Order on the docket and to “serve a copy thereof on the undersigned Judge.” Appellant failed to comply with the minimal requirements of Pa.R.A.P. 1925(b) since he did not serve his Concise Statement upon this Trial Court within twenty-one days from the entry of this Trial Court’s 1925(b) Order filed by the Trial Court on June 26, 2019. This Trial Court received Appellant’s Concise Statement on July 19, 2019, two (2) days late. This Trial Court has attached a copy of the front page of Appellant’s Concise Statement received with the date stamped from the Court’s office indicating July 19, 2019. (Attached as Exhibit F). Similarly, Appellant concurrently filed a “First Motion for Extension of Time to File Concise Statement of Matters Complained of on Appeal” with his Concise Statement on July 17, 2019, and similarly failed to serve said Motion upon this Trial Court until July 19, 2019, within the deadline for filing his Concise Statement.⁴ This Trial Court has attached a copy of the front page of Appellant’s First Motion for Extension of Time received with the date stamped from the Court’s office indicating July 19, 2019. (Attached as Court Exhibit G). Finally, pursuant to *Commonwealth v. Castillo*, 888 A.2d 775, 780 (Pa. 2005), this Trial Court may not deviate from the bright-line rule requiring Appellant to comply with the clear mandates of Pa.R.A.P. 1925(b) when Appellant is directed to do so. Since Appellant failed to apprise this Trial Court of his issues presented on appeal in a timely manner, Appellant has waived any issues for appeal.

The second issue this Trial Court addresses is whether Appellant has waived any issues for appeal regarding his failure to pay for a transcript of the hearing held on May 23, 2019 and to have said proceeding transcribed in a timely manner. A written transcript is necessary to address fully Appellant’s issue in his Concise Statement. (*See* Appellants’ Concise Statement at ¶ 1-4). As of the date of this Opinion, Appellant has failed to make any necessary payment or deposit or have the transcript transcribed. *See* Pa.R.A.P. 1911(a); Rule of Judicial Administration 4007(D), and Erie County Rule of Judicial Administration 4007(B); Letter from Court Reporter Greg Scherf, dated August 21, 2019 (Attached as Exhibits H and I). Indeed, this Trial Court has patiently waited for Appellant to have the transcript transcribed up until and through this due date for this 1925(a) Opinion which is August 26, 2019. This Trial Court cannot wait any longer for Appellant to pay the required Court Reporter for the transcript and to draft and file this Opinion for the Pennsylvania Superior Court’s review.

Although Appellant requested the hearing transcript, Appellant failed to indicate to the Court Reporter the transcript is needed. According to Court Reporter, Greg Scherf,

⁴ In accordance with the local rules of Erie County, practitioners are required to serve a copy of any petition or motion on the assigned judge along with filing a copy in the Prothonotary’s Office in order for said petition or motion to receive judicial attention. *See* Erie County Rules of Civil Procedure 206.4(c).

“[Appellant] indicated in the meantime, he would decide whether he would still need it, depending on the Judge’s decision regarding something pending.” (*See* Exhibit I). Following Appellant’s Notice of Appeal, the only matters before this Trial Court regarding the instant case have been Appellant’s Concise Statement and “First Motion for Extension of Time to File Concise Statement of Matters Complained of on Appeal,” both of which were served upon this Trial Court untimely by Appellant. Additionally, the Court Reporter indicated Appellant is not having the transcript immediately transcribed, but rather, “[Appellant] is going to file a motion with the Judge, and depending on what her decision is regarding the motion, [Appellant] will let [Court Reporter] know if [Appellant] will need it or not.” (*Id.*). As of the morning of August 26, 2019, this Trial Court has not received any additional Motion from Appellant, nor is any outstanding Motion docketed. (*See* Docket Sheet attached as Exhibit J). This Trial Court’s Opinion is due August 26, 2019, and cannot wait any longer for Appellant to have the hearing transcribed, which Appellant is delaying willfully and intentionally to have transcribed. Under Pa.R.A.P. 1911(a), the appellant has the duty to order any and all transcripts required for review and to make any necessary deposit or payment for said transcripts:

(a) *General rule.* The appellant shall request any transcript required under this chapter in the manner and make any necessary payment or deposit therefor in the amount and within the time prescribed by Rules 4001 *et seq.* of the Pennsylvania Rules of Judicial Administration.

...

(d) *Effect of failure to comply.* If the appellant fails to take the action required by these rules and the Pennsylvania Rules of Judicial Administration for the preparation of the transcript, the appellate court may take such action as it deems appropriate, which may include dismissal of the appeal.

Pa.R.A.P. 1911(a) and (d). The Pennsylvania Superior Court has stated: “With regard to missing transcripts, . . . [w]hen the appellant . . . fails to conform to the requirements of Rule 1911, any claims that cannot be resolved in the absence of the necessary transcript or transcripts must be deemed waived for the purpose of appellate review.” *Commonwealth v. Houck*, 102 A.3d 443, 456 (Pa. Super. Ct. 2014) (citing *Commonwealth v. Preston*, 904 A.2d 1, 7 (Pa. Super. Ct. 2006) (“It is not proper for either the Pennsylvania Supreme Court or the Superior Court to order transcripts nor is it the responsibility of the appellate courts to obtain the necessary transcripts.”); *see e.g. Stumpf v. Nye*, 950 A.2d 1032, 1041 (Pa. Super. 2008) (finding that appellant’s issue was waived where appellant failed to provide the Superior Court with a transcript of the relevant proceeding).

Accordingly, since this Trial Court is without the transcript of the proceeding below, this Trial Court finds Appellant has waived his issue raised in this instant appeal.

The third issue this Trial Court addresses is whether Appellant’s issues are waived on appeal since Appellant failed to appeal timely the decision of the arbitration panel undisputedly after knowing the arbitration had taken place. The law is clear: “Once entered, a compulsory

arbitration award may only be challenged by a timely appeal to the Court of Common Pleas for a trial *de novo*.” *Blucas v. Agiovlasitis*, 179 A.3d 520, 524 (Pa. Super. Ct. 2018) (citing Pa.R.C.P. 1308(a); 42 Pa.C.S.A. § 7361(d)). The Rules of Civil Procedure require an appeal from the arbitrator’s decision be filed within thirty (30) days from the date of the arbitration award:

(a) An appeal from an award shall be taken by

- (1) filing a notice of appeal in the form provided by Rule 1313 with the prothonotary of the court in which the action is pending not later than thirty days after the day on which the prothonotary makes the notation on the docket that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3), and
- (2) payment to the prothonotary of the compensation of the arbitrators not exceeding fifty percent of the amount in controversy, which shall not be taxed as costs or be recoverable in any proceeding;

Pa.R.C.P. No. 1308. The question of whether the appeal is timely filed is jurisdictional: “Timeliness of an appeal, whether it is an appeal to an appellate court or a *de novo* appeal in common pleas court, is a jurisdictional question. Where a statute fixes the time within which an appeal may be taken, the time may not be extended as a matter of indulgence or grace.” *Lee v. Guerin*, 735 A.2d 1280, 1281 (Pa. Super. Ct. 1999), *appeal denied*, 561 Pa. 659, 747 A.2d 901 (1999) (citations omitted).

In the instant case, Appellant, who is also an attorney, assisted in the scheduling of the arbitration. (See Exhibit A and B). Thereafter, Appellant failed to appear at the arbitration. The Arbitrators found in favor of Appellee after hearing evidence from Appellee’s witness and argument of Appellee’s counsel. The Arbitrators filed an award in favor of Appellee and against Appellant in the amount of eight thousand six hundred fifty-two dollars and fifty-one cents (\$8,652.51). The Erie County Prothonotary’s Office entered the Arbitrator’s Award on the same date the Arbitration occurred, January 28, 2019. In order for Appellant to have timely appealed and preserved his *de novo* trial before this Trial Court, Appellant must have filed his appeal no later than February 27, 2019. Appellant failed to file anything until March 20, 2019, five (5) days after the Erie County Prothonotary entered the judgment against Appellant. As such, Appellant’s issue is waived as he failed to file an appeal timely.

The fourth issue this Trial Court addresses is whether Appellant’s issue is waived on appeal since Appellant’s “Defendant’s Petition To Set Aside Arbitrators’ Finding For The Plaintiff,” was not filed within ten (10) days of the arbitration and does not include a satisfactory excuse for Appellant’s failure to appear at the arbitration. This instant case was heard by an arbitration panel on January 28, 2019, which Appellant participated in the scheduling of said arbitration. Pursuant to Pennsylvania Rule of Civil Procedure 1303, the Arbitration Panel made an award in favor of Appellee. The Note in Pennsylvania Rule of Civil Procedure 1303 explains the procedure for a defendant in an arbitration who fails to appear at said arbitration: “Following an adverse decision, a defendant who has failed to appear may file a motion for post-trial relief which may include a *request for a new trial on the ground of a satisfactory excuse for the defendant’s failure to appear*.” Pa.R.C.P. No. 1303 (emphasis added).

Before addressing Appellant's "excuses" for failing to appear at the arbitration, this Trial Court notes that Appellant failed to file timely the "Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff." Pennsylvania Rule of Civil Procedure 227.1 requires:

- (c) Post-trial motions shall be filed within ten days after
 - (1) verdict, discharge of the jury because of inability to agree, or nonsuit in the case of a jury trial; or
 - (2) notice of nonsuit or the filing of the decision in the case of a trial without jury.

Pa.R.C.P. No. 227.1.

In the instant case, the Arbitrators made and filed the Arbitration Award on January 28, 2019. On March 15, 2019, Appellee filed a "Praecipe For Judgment On Award Of Arbitrators As To Anthony H. Rodriques." On March 15, 2019, the Erie County Prothonotary's Office entered the judgment against Appellant. On March 18, 2019, the Erie County Prothonotary's Office sent notice of the entry of judgment to Appellant. On March 20, 2019, Appellant filed his "Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff." In order to be a timely Motion for Post-Trial Relief, Appellant was required to have filed his motion by February 7, 2018; however, Appellant filed his Petition on March 20, 2019, which is more than ten (10) days following the filing of the decision of the Arbitrators in the instant case.

Appellant's "excuses" allege he did not have notice of the Arbitration and the Arbitration Award. As noted earlier, Appellant assisted in scheduling this Arbitration and was sent an email notice confirming the Arbitration before being given notice from the Erie County Prothonotary. This Trial Court found Appellant was aware of the Arbitration and Appellee's counsel succinctly and aptly stated why Appellant could, would, and should have known or found the date of the Arbitration:

The Defendant is a licensed attorney and an Erie County practitioner. If, after receiving the e-mail from Karen Klapsinos on November 16, 2018, the Defendant was unclear if the arbitration would proceed as stated on January 28, 2019 at 1:30 p.m., he could have easily checked with the Erie County Prothonotary, the online docket, or the Arbitration Chair to confirm the date and time of the arbitration, yet failed to do so.

(See *Plaintiff's Response To Defendant's Petition To Set Aside Arbitrators' Finding For The Plaintiff* ¶10). This Trial Court did not find Appellant's excuse satisfactory, and therefore, this Trial Court requests the Pennsylvania Superior Court find Appellant has waived his issue on appeal.

Thus, for all the reasons as set forth above, this Trial Court respectfully requests the Pennsylvania Superior Court to quash the instant appeal, or in the alternative, to find Appellant has waived all issues and affirm this Trial Court.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**

THE ILLUMINATING COMPANY

v.

ANTHONY RODRIQUES, Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA

Erie County Civil Division 10110-2018

No. 957 WDA 2019

ORDER

The Court hereby **GRANTS** Appellee's motion to quash appeal filed on September 10, 2019. Appellant's application to amend concise statement and request for extension of time to file brief, filed on October 7, 2019, is hereby **DENIED**.

PER CURIAM

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12987-19 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Zachary Camp to Zachary Beebe.

The Court has fixed the 12th day of December, 2019 at 9:15 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Nov. 15

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12978-19 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Isaac Charles Jones to Isaac Charles Bruno.

The Court has fixed the 24th day of December, 2019 at 9:00 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Nov. 15

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. The fictitious name is Great Lakes Data Racks & Cabinets.
2. The address of the principal office is 4193 Route 6N East, Edinboro, Pennsylvania 16412, Erie County.

3. The names and address of all persons or parties to the registration are Great Lakes Case & Cabinet Co., Inc., 4193 Route 6N East, Edinboro, Pennsylvania 16412, Erie County.

4. An application for registration of a fictitious name has been filed under the Fictitious Names Act, as amended.

Nov. 15

INCORPORATION NOTICE

NOTICE is hereby given that SHARPER IMAGES TINT AND WRAPS INC. has been incorporated under the provisions of the Business Corporation law of 1988, as amended.

James E. Marsh Jr., Esq.
Marsh Spaeder Baur Spaeder
& Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Nov. 15

LEGAL NOTICE

ATTENTION: JOSHUA MICHAEL BINGHAM

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD: P.A.B. - DOB: 11/20/2012

BORN TO: SAMANTHA ANNE CASSADY
94 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, December 5, 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.

Nov. 15

LEGAL NOTICE

ATTENTION: VICTOR LAO
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD K.M.-M.L. DOB: 08/29/2007
BORN TO: ASHLEY HODGES
93 IN ADOPTION 2019

If you could be the parent of the above-mentioned children, 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, Judge Shad Connelly, Courtroom B #208, City of Erie on December 10, 2019 at 1:30 p.m. and there show cause, if any you have, why your parental rights to the above children 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 children. 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 children 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.

Nov. 15

LEGAL NOTICE

ATTENTION: NATHAN JACOB MOFFATT

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD N.T.M. DOB: 04/01/2007

MINOR FEMALE CHILD C.P.B.M. DOB: 08/12/2011

MINOR FEMALE CHILD C.L.A.M. DOB: 08/11/2012

BORN TO: DESTINY LEE ORMSBEE A/K/A DESTINY LEE MOFFATT A/K/A DESTINY LEE PURSELL

102 A-B 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 December 18, 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 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.

Nov. 15

LEGAL NOTICE

ATTENTION: BETH ANN SERVIDIO and UNKNOWN BIOLOGICAL FATHER

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD: W. S. - DOB: 10/04/2018

BORN TO: BETH ANN SERVIDIO 100 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 Monday, December 9, 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 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.

Nov. 15

LEGAL NOTICE

IN THE MATTER OF The Estate of THOMAS E. LARSON, ESQUIRE, deceased, late of the City of Erie, County of Erie and Commonwealth of Pennsylvania.

NOTICE is hereby given to all clients, past and present, of the aforementioned decedent, to claim their files within sixty (60) days from the date of this notice. All files not claimed within sixty (60) days from the date of this notice shall be destroyed.

To claim files, please contact the undersigned.

W. Atchley Holmes, Esquire
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301

Nov. 15, 22, 29

LEGAL NOTICE

IN RE: ADOPTION OF BABY GIRL LANCE, NO. A-27 of 2019, IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA.

TO: Unknown Birth Father of Baby Girl Lance, born on the 9th day of February, 2019, in Pittsburgh, Allegheny County, Pennsylvania. A Petition has been filed asking the Court to put an end to all rights you have to your child, Baby Girl Lance. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Orphans' Court Division of the Court of Common Pleas of Allegheny County, 1700 Frick Building, 437 Grant Street, Pittsburgh, Allegheny County, Pennsylvania 15219, on Wednesday, December 4, 2019, at 10:00 A.M., prevailing time. 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 the 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.

**LAWYER REFERRAL
SERVICE**

**The Allegheny County
Bar Association**

**11th Floor, Koppers Building,
436 Seventh Avenue,
Pittsburgh, PA 15219**

Telephone: (412) 261-5555

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. If you are interested in learning more about this option for a voluntary agreement, contact me or your attorney, if you have one.

Gerri L. Sperling, Esq.

STRASSBURGER McKENNA

GUTNICK & GEFSKY

Four Gateway Center, Suite 2200

444 Liberty Avenue

Pittsburgh, PA 15222

412-281-5423

Nov. 8, 15, 22

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, November 6, 2019** and confirmed Nisi.

December 18, 2019 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>2019</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
372.	Richard C. Kerner a/k/a Dick Kerner	Linda C. Kerner, Administratrix.....	Kurt L. Sundberg, Esq.
373.	Genevieve Zemlansky a/k/a Genevieve Ann Zemlansky	Gerald Slipcevic, Executor.....	David R. Devine, Esq.
374.	Edward J. Suroviec.....	Sandra J. Turi, Executrix	James F. Nowalk, Esq.
375.	Suzanne M. McDanniels	Nora L. Fuchs, Emily S. Tuttle,..... Co-Executrices	S. Craig Shamburg, Esq.
376.	Joseph L. Sosnowski a/k/a Joseph Leonard Sosnowski	Edward J. Sosnowski, Executor	Colleen R. Stumpf, Esq.

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

Nov. 15, 22

The USI Affinity Insurance Program

We go beyond professional liability to offer a complete range of insurance solutions covering all of your needs.

USI Affinity's extensive experience and strong relationships with the country's most respected insurance companies give us the ability to design customized coverage at competitive prices.

- Lawyers Professional Liability
 - Business Insurance
 - Medical & Dental
- Life Insurance
 - Disability Insurance



Call 1.800.327.1550 for your FREE quote.

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**BOYD, HELEN MAE, a/k/a HELEN M. BOYD, deceased**

Late of the City of Erie, County of Erie
Executor: Donald J. Boyd, 3520 Stone Quarry Road, Waterford, Pennsylvania 16441
Attorney: Kari A. Froess, Esquire, CARNEY & GOOD, 254 West Sixth Street, Erie, Pennsylvania 16507

CARPENTER, CYNTHIA L., deceased

Late of the Borough of Platea, County of Erie, and Commonwealth of Pennsylvania
Administrator: Steven Carpenter, 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

CLOVER, TERRY L., a/k/a TERRY LEE CLOVER, deceased

Late of the Township of North East, County of Erie, and Commonwealth of Pennsylvania
Executor: Emmitt E. Clover, Jr., 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

CUNNINGHAM, ROBIN G., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Carol A. Eller, 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

HAFT, PAUL N., deceased

Late of the Borough of Wesleyville, County of Erie, Commonwealth of Pennsylvania
Co-Administrators: Michael Haft, Nicole Haft and Paula Haft, 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

HAUSMANN, JEAN M., deceased

Late of the City of Erie
Executrix: Margaret J. Wiesniewski, 3305 Schaper Avenue, Erie, PA 16508
Attorney: Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

JOHNSON, ARTHUR C., JR., a/k/a ARTHUR C. JOHNSON, a/k/a ARTHUR JOHNSON, a/k/a A C JOHNSON, deceased

Late of Erie, Pennsylvania
Administrator: Arthur C. Johnson, III, c/o David W. Bradford, Esq., 731 French Street, Erie, PA 16501
Attorney: David W. Bradford, Esq., 731 French Street, Erie, PA 16501

LARSEN, ROSE MARIE, deceased

Late of the City of Erie, County of Erie
Executrix: Debra Plemmons, c/o Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506
Attorney: Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506

LOTZ, CAROLA., a/k/a CAROL ANN LOTZ, a/k/a CAROL LOTZ, deceased

Late of the Borough of Girard, County of Erie, Commonwealth of Pennsylvania
Administrator: Tyler G. Miller, 1816 Poplar Street, Erie, PA 16502
Attorney: Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

McCREARY, RONALD E., deceased

Late of Greene Township, Erie County
Executrix: Corinne L. McCreary
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

MITCHELL, NORMAN D., deceased

Late of the Township of Concord, County of Erie, Pennsylvania
Executrix: Pamela Hargraves, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

MORRIS, ROSE M., deceased

Late of Millcreek Township
Executor: Bruce L. Morris, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**POST, SHIRLEY J., a/k/a
SHIRLEY INGHAM POST,
deceased**

Late of the Township of Harborscreek, County of Erie, Commonwealth of Pennsylvania
Executor: Gary L. Post, 2815 Crestview Drive, North East, PA 16428
Attorney: Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SAYRE, THURL G., a/k/a
THURL GLENN SAYRE,
deceased**

Late of the Township of Harborscreek, Erie County, Pennsylvania
Co-Executors: Darlene Rzodkiewicz and Raymond Sayre, c/o Robert Ward, Esq., 307 French Street, Erie, PA 16507
Attorney: Robert Ward, Esq., 307 French Street, Erie, PA 16507

**SODER, JOSEPH R.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Mark Krysiak, 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

SECOND PUBLICATION

**BANASZEK, ROSE K.,
deceased**

Late of Fairview Township, County of Erie, PA
Executor: James Banaszek, 4543 Darcie Dr., Erie, PA 16506
Attorney: None

**BAX, WILLIS G.,
deceased**

Late of the Township of Fairview, County of Erie, and Commonwealth of Pennsylvania
Executor: Gary D. Bax, 2525 West 26th Street, Erie, PA 16506
Attorney: Gary D. Bax, Attorney at Law, 2525 West 26th Street, Erie, PA 16506

**BORECKY, GLORIA WESS,
a/k/a GLORIA W. BORECKY,
deceased**

Late of Fairview
Executor: Carl D. Borecky, 5700 Kell Drive, Fairview, PA 16415
Attorney: Heidi Rai Stewart, Esquire, Houston Harbaugh, PC, Three Gateway Center, 401 Liberty Avenue, 22nd Floor, Pittsburgh, PA 15222-1005

**BRINAGER, WILLIAM M.,
a/k/a WILLIAM BRINAGER
SR., a/k/a WILLIAM MANLON
BRINAGER,
deceased**

Late of Albion, County of Erie and Commonwealth of Pennsylvania
Executor: William M. Brinager Jr., c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Norman A. Stark, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**BROSIUS, SCOTT A.,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Administrator: Craig A. Brosius, c/o 2580 West 8th Street, Erie, Pennsylvania 16505
Attorney: Ralph R. Riehl, III, Esquire, 2580 West 8th Street, Erie, Pennsylvania 16505

**CAPELA, NATHAN P.,
deceased**

Late of Township of Wayne
Administratrix: Patricia J. Capela, 16909 Route 89, Corry, PA 16407
Attorney: Michael A. Fetznar, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**FUNARO, LIVIA A., a/k/a
LIL FUNARO, a/k/a
LIVIA FUNARO,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Anthony A. Funaro and Vince Jean Bartone, 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

**KEMPISTY, ROBERT S., a/k/a
ROBERT STEPHEN KEMPISTY,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executor: Timothy R. Kempisty, 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

**KOLB, RONALD F.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Administrator: Mary P. Kolb, 3302 West Lake Rd., Apt. #109, Erie, PA 16505
Attorney: None

**SCHEPPNER, MATTHEW
DOUGLAS,
deceased**

Late of the City of Erie
Administrator: Deborah E. Bender
Attorney: Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

**SMITH, DANIEL E.,
deceased**

Late of the City of Erie, County of Erie
Executor: Anita L. Smith, c/o Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506
Attorney: Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506

**VOGEL, SUSAN LYNN, a/k/a
SUSAN L. VOGEL, a/k/a
SUSAN VOGEL,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administratrix: Amy L. Vogel, c/o Anthony R. Himes, Esq., 246 W. 10th Street, Erie, PA 16501
Attorney: Anthony R. Himes, Esq., 246 W. 10th Street, Erie, PA 16501

**WITTMANN, EDWARD P.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Eric P. Wittmann
Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West Sixth Street, Erie, PA 16507

THIRD PUBLICATION

**BALKOVIC, LORETTA,
deceased**

Late of the Township of Millcreek, County of Erie, and State of Pennsylvania
Executor: Dean Balkovic
Attorney: Gerald J. Villella, Esquire, Dailey, Karle & Villella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**BOETGER, ELAINE J.,
deceased**

Late of the City of Erie
Executor: Don J. Boetger, 10221 Sampson Road, Erie, PA 16509
Attorney: None

**BOWERS, GORDON J.,
deceased**

Late of the Township of East Springfield, County of Erie, Commonwealth of Pennsylvania
Executrix: Tammy M. Smith, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Michelle M. Alaskey, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**BURNS, KATHLEEN A., a/k/a
KATHLEEN ANN BURNS, a/k/a
KATHLEEN BURNS,
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania
Executor: Robert L. Burns, 2225 Lake Street, Lake City, PA 16423
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**CONSTANTINE, RICHARD J.,
a/k/a R J CONSTANTINE, a/k/a
RICHARD CONSTANTINE, a/k/a
R JOHN CONSTANTINE,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executrix: Evelyn Vitanza, 1440 NE 24th Ct., Wilton Manors, Florida 33305
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**LOOKENHOUSE, EMOGENE,
deceased**

Late of North East Township, Erie County, North East, PA
Executor: Jerome A. Lookenhouse, c/o 33 East Main Street, North East, Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**NIEMI, LORETTA R.,
deceased**

Late of Millcreek Township
Executor: Jerome J. Niemi, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**ORSINI, MATHEW J.,
deceased**

Late of the Township of Waterford, County of Erie and Commonwealth of Pennsylvania
Administratrix: Dawn Brown, 9731 Peach Street, Waterford, PA 16441-4035
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**SCHMIDT, JERRY,
deceased**

Late of the Borough of Wesleyville, County of Erie and Commonwealth of Pennsylvania
Executrix: Jennifer L. Jandt
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 456 West Sixth Street, Erie, PA 16507

**SNYDER, BETTY J., a/k/a
BETTY SNYDER,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executor: Andrew Barone, 3804 Argyle Avenue, Erie, PA 16505
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**TAYLOR, SYLVIA,
deceased**

Late of the Township of Elk Creek, County of Erie, Commonwealth of Pennsylvania
Administratrix: Moya Taylor, PO Box 402, Lansdale, PA 19446
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

TRUST NOTICES

Notice is hereby given of the administration of the Estate and 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 executor, trustee or attorney named below:

**COOK, LOIS L.,
deceased**

Late of the Boro of Waterford
Trustee and Executor: Gary R. Cook
Attorney: Edwin W. Smith, Esq.,
305 W. 6th Street, Erie, PA 16507



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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

WILLIAM S. SPEROS814-870-7764
MacDonald Illig Jones & Britton LLP
100 State Street, Suite 700
Erie, PA 16507 wsperos@mijb.com

New address

GREGORY A. KARLE
GERALD J. VILLELLA
731 French Street
Erie, PA 16501

New email address

TYLER J. ANTOLIK.....tyler.antolik@logisticsplus.net

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?

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