

Erie County Legal Journal

September 18, 2020

Vol. 103 No. 38



103 ERIE 46-51

Aliota v. Millcreek Township School District of School Directors and Hall

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

SEPTEMBER 1 - NOVEMBER 1, 2020

Wills for Heroes
Virtual Event

MONDAY, SEPTEMBER 21, 2020

Workers' Compensation Section Meeting
Noon

The Will J. Schaaf & Mary B. Schaaf
Education Center live or via Zoom Conference

TUESDAY, SEPTEMBER 22, 2020

ECBA Nominating Committee Meeting
Noon
via Zoom Conference

TUESDAY, SEPTEMBER 22, 2020

ECBA Seminar
Bridge the Gap

The Will J. Schaaf & Mary B. Schaaf
Education Center live or via Zoom Conference
1:00 p.m. - 5:00 p.m.

Free for newly admitted attorneys

\$188 (ECBA members)

\$240 (non-members)

4 hours ethics CLE credits

THURSDAY, SEPTEMBER 24, 2020

Defense Bar Section Meeting
5:00 p.m.

The Will J. Schaaf & Mary B. Schaaf
Education Center live or via Zoom Conference

FRIDAY, SEPTEMBER 25, 2020

Bankruptcy Section Meeting
Noon
via Zoom Conference



Erie County Bar
Association



@eriepabar

MONDAY, SEPTEMBER 28, 2020

ECBA Board of Directors Meeting
Noon

The Will J. Schaaf & Mary B. Schaaf
Education Center live or via Zoom Conference

TUESDAY, SEPTEMBER 29, 2020

Erie County Law Foundation
Board of Directors Meeting
Noon
via Zoom Conference

FRIDAY, OCTOBER 2, 2020

Judicial Committee Meeting
Noon
via Zoom Conference

MONDAY, OCTOBER 5, 2020

Law Day Committee Meeting
Noon
via Zoom Conference

TUESDAY, OCTOBER 6, 2020

Solo/Small Firm Division Meeting
Noon
via Zoom Conference

WEDNESDAY, OCTOBER 7, 2020

PBA Virtual Diversity Summit
8:45 a.m. - 4:45 p.m.
via Zoom Conference

THURSDAY, OCTOBER 8, 2020

Estates & Trusts Section Meeting
1:30 p.m.
via Zoom Conference

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

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Erie, PA 16507
cbowen@mijb.com
EOE

Sept. 18, 25 and Oct. 2

ESTATE & BUSINESS TRANSACTIONS ASSOCIATE

Established Erie law firm with over 40 attorneys seeks an attorney with two or more years' experience to work primarily in its Trusts and Estates and in its Business Transaction Groups. Excellent academic credentials required. Salary commensurate with experience. Qualified candidates may submit resume to:

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Erie, PA 16507
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Sept. 18, 25 and Oct. 2

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LOUIS ALIOTA

v.

**MILLCREEK TOWNSHIP SCHOOL DISTRICT OF SCHOOL DIRECTORS,
and WILLIAM HALL, Superintendent**

PRETRIAL PROCEDURE / MOOTNESS

It is well-settled in Pennsylvania that if at any stage of the judicial process a case is rendered moot, said case will be dismissed.

APPEAL AND ERROR / EFFECT OF DELAY OR LAPSE OF TIME IN GENERAL

It is also well-settled that a plaintiff's loss of standing will result in a plaintiff's case becoming moot.

APPEAL AND ERROR / EFFECT OF DELAY OR LAPSE OF TIME IN GENERAL

The cases that involve mootness problems involve litigants who clearly had standing to sue at the outset of the litigation. The problems arise from events occurring after the lawsuit has gotten under way — changes in the facts or in the law that allegedly deprive the litigant of the necessary stake in the outcome.

PRETRIAL PROCEDURE / MOOTNESS

The mootness doctrine requires that an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.

ACTION / PERSON ENTITLED TO SUE

To have standing, there must be some discernible adverse effect to some interest other than the abstract interest of having others comply with the law.

MANDAMUS / NATURE OF ACTS TO BE COMMANDED

The writ of mandamus exists to compel official performance of a ministerial act or mandatory duty.

*MANDAMUS / NATURE AND EXISTENCE OF
RIGHTS TO BE PROTECTED OR ENFORCED*

Mandamus cannot issue to compel performance of a discretionary act or to govern the manner of performing the required act.

MANDAMUS / NATURE AND SCOPE OF REMEDY IN GENERAL

A court may issue a writ of mandamus where the petitioners have a clear legal right, the responding public official has a corresponding duty, and no other adequate and appropriate remedy at law exists.

MANDAMUS / NATURE AND SCOPE OF REMEDY IN GENERAL

Moreover, mandamus will be issued to compel action by an official where his refusal to act in the requested way stems from his erroneous interpretation of the law.

ACTION / MOOT, HYPOTHETICAL OR ABSTRACT QUESTIONS

Cases important to the citizenry as a whole, as when the state acts as substantial trustee for the public, have been reviewed under the great public importance exception even when a party has lost standing.

ACTION / MOOT, HYPOTHETICAL OR ABSTRACT QUESTIONS

It is only in very rare cases where exceptional circumstances exist or where matters or questions of great public importance are involved that the Supreme Court will decide moot questions or erect guideposts for future conduct or actions.

ACTION / MOOT, HYPOTHETICAL OR ABSTRACT QUESTIONS

Where courts have applied the great public importance exception, those cases often

implicate the rights or interests of broad groups of citizens with common experiences, traits, or characteristics, the breadth of which necessitate adjudication in order to resolve significant future controversy.

ACTION / MOOT, HYPOTHETICAL OR ABSTRACT QUESTIONS

Such cases often involve laws or rules that impact groups of citizens due to their common attributes, such that deciding the individual's case before the court will affect the rights or interests of those just like them in the future.

EDUCATION / POWERS AND FUNCTIONS IN GENERAL

Moreover, it is well-settled in Pennsylvania law that school district board members act in an official capacity only when lawfully convened as a body.

ACTION / MOOT, HYPOTHETICAL, OR ABSTRACT QUESTIONS

The capable of repetition yet likely to evade judicial review exception to the mootness doctrine is utilized when the issue in question has and will continue to affect many similar parties but is of such a temporary or short-term nature that those parties are not likely to maintain standing throughout the judicial process.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
No. 2562 of 1976

Appearances: William P. Weichler, Esq. appeared on behalf of Defendants
Brian L. Pulito, Esq. appeared on behalf of Plaintiff

OPINION

Domitrovich, J.

July 24, 2020

On July 7, 2020, argument was held on Defendants' Motion to Dismiss Plaintiff's Amended Complaint and Request for Permanent Injunction.

The procedural history of this case is as follows: On April 11, 2017, Plaintiff filed his Amended Complaint in Mandamus and for a Permanent Injunction. On May 12, 2017, Plaintiff filed for reinstatement of the Complaint, which was granted on May 15, 2017. The docket entries indicate Plaintiff filed his Amended Complaint in Mandamus and for a Permanent Injunction on June 29, 2017. Prior to this second filing, Defendants filed Preliminary Objections on June 7, 2017 and also on July 11, 2017. On October 31, 2017, the Honorable John Garhart of the Erie County Court of Common Pleas overruled Defendants' Preliminary Objections, and on November 29, 2017, Defendants filed an Answer and Counterclaim for both Defamation and Wrongful Use of Civil Proceedings. Plaintiff responded by filing Preliminary Objections to Defendants' Counterclaim on January 16, 2018, which Judge Garhart overruled on February 15, 2018, save for striking two paragraphs in Defendants' Counterclaim as nonspecific and sustaining Plaintiff's objection to the Wrongful Use of Civil Proceedings as premature. Plaintiff filed an Answer and New Matter to Defendants' Counterclaim on March 22, 2018, to which Defendants replied on March 23, 2018.

Also in March of 2018, both counsel and the parties began a very lengthy and acrimonious discovery process. In July of 2018, Defendants filed a Motion for a Protective Order to prevent Plaintiff from seeking interrogatories and requests for documents from current or former directors of the Millcreek Township School District Board [hereinafter School

District Board], who were not parties to the litigation. Defendants' Motion for Protective Order was granted by Judge Garhart on August 6, 2018. This Motion for Protective Order notwithstanding, discovery continued until April 22, 2019, when Defendants stipulated to and filed, on Plaintiff's behalf, Plaintiff's Amended Answer and New Matter to Defendants' Counterclaim. Afterwards, discovery again resumed until Plaintiff filed a Motion to Sever regarding Defendants' defamation counterclaim on August 14, 2019, which was denied by a senior judge, the Honorable William R. Cunningham, who had become the presiding judge in this case. On October 8, 2019, Plaintiff filed a Motion for Summary Judgment, which was denied by Judge Cunningham on November 5, 2019. Plaintiff then filed a Motion to Reconsider or Certify for Interlocutory Appeal, which was also denied by Judge Cunningham on November 20, 2019. On December 2, 2019, Defendants filed the instant Motion to Dismiss Plaintiff's Complaint in Mandamus and for a Permanent Injunction.

In the instant case, the factual history is as follows: Plaintiff's 2017 Complaint and Injunction requested this Trial Court direct the School District Board as well as William Hall and John DiPlacido, Superintendent of the Millcreek Township School District and President of the School District Board, respectively, grant Plaintiff access to certain documents, all of which referenced School District Board expenditures, and enjoin Plaintiff's denial of access to School District Board documents thereafter. At the time Plaintiff's Complaint and Permanent Injunction were filed, Plaintiff was undisputedly an elected member of the School District Board. Plaintiff's term as a School District Board member ended in 2019, however, since the results of the 2019 election season were not in Plaintiff's favor. Defendants filed the instant Motion to Dismiss Plaintiff's Complaint in Mandamus and for a Permanent Injunction arguing Plaintiff no longer has standing to pursue this case since Plaintiff is no longer a member of the School District Board.

It is well-settled in Pennsylvania that if at any stage of the judicial process a case is rendered moot, said case will be dismissed. *See Magnelli v. Commonwealth, Pennsylvania State Civil Service*, 423 A.2d 802, 804 (Pa. Super. 1980); *In re Gross*, 382 A.2d 116, 119-20 (Pa. 1978); *Janet D. v. Carros*, 362 A.2d 1060 (Pa. 1976). It is also well-settled that a plaintiff's loss of standing will result in a plaintiff's case becoming moot. "The cases presenting mootness problems involve litigants who clearly had standing to sue at the outset of the litigation. The problems arise from events occurring after the lawsuit has gotten under way — changes in the facts or in the law which allegedly **deprive the litigant of the necessary stake in the outcome**. The mootness doctrine requires that 'an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.'" *In re Gross*, 382 A.2d at 209 (quoting G. Gunther, *Constitutional Law* 11578 (9th ed. 1975)) (emphasis added).

In the instant case, Plaintiff sued for two forms of relief: 1) a writ of mandamus¹ to grant him access to School District Board documents, and 2) a permanent injunction to prevent

¹ The writ of mandamus exists to compel official performance of a ministerial act or mandatory duty. *Fagan v. Smith*, 41 A.3d 816, 818 (Pa. 2012) (citing *Delaware River Port Auth. v. Thornburgh*, 493 A.2d 1351, 1355 (Pa. 1985)). Mandamus cannot issue "to compel performance of a discretionary duty or to govern the manner of performing [the] required act." *Fagan*, 41 A.3d at 818 (quoting *Volunteer Firemen's Relief Ass'n of City of Reading v. Minehart*, 203 A.2d 476, 479 (Pa. 1964)). "[A court] may issue a writ of mandamus where the petitioners have a clear legal right, the responding public official has a corresponding duty, and no other adequate and appropriate remedy at law exists." *Fagan*, 41 A.3d (citing *Minehart*, 203 A.2d at 479) (emphasis added). Moreover, mandamus will be issued to compel action by an official where a refusal to act stems from an erroneous interpretation of the law. *Fagan*, 41 A.3d at 818 (citing *Minehart*, 203 A.2d at 479-80). Other adequate remedies at law exist to obtain school district board records such as the Pennsylvania Right to Know Law. 65 P.S. §§ 67.101, et seq.

being denied access to any School District Board documents in the future. *See* Plaintiff's Amended Complaint in Mandamus and for a Permanent Injunction. The controversy between the parties was whether Plaintiff was entitled to access these documents as a member of the School District Board in order that he fulfill his duty as a School District Board member. *See id.*, ¶¶ 18-21, 31. It is undisputed Plaintiff no longer holds this position. Therefore, Plaintiff no longer has access to the requested documents as a member of the School District Board, and no longer has a necessary stake in the outcome. Plaintiff has no greater right of access to these documents than any other citizen of Millcreek Township, and as the Pennsylvania Supreme Court has stated: "[to have standing] [t]here must be some discernible adverse effect to some interest other than the abstract interest of all citizens in having others comply with the law." *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 282 (Pa. 1975). Moreover, as Plaintiff no longer has a right of access to these documents, this Trial Court no longer has the ability to grant his requested relief.

Plaintiff argues, in the alternative, if this Trial Court finds he is without standing, the instant case should still be resolved in court as it is subject to two exceptions to the mootness doctrine: 1) the matters of great public importance exception, and 2) issues capable of repetition but likely to avoid judicial review. *See In re Gross*, 382 A.2d at 122-23; *Janet D.*, 362 A.2d; *Wortex Mills v. Textile Workers Union*, 85 A.2d 851, 857 (Pa. 1952); *Commonwealth v. Baker*, 766 A.2d 328, 330 n. 4 (Pa. 2001); *Commonwealth v. Shaw*, 744 A.2d 739, 742 n. 3 (Pa. 2000); *In re J.M.*, 726 A.2d 1041, 1045 n. 6 (Pa. 1999).

Cases "important to the citizenry as a whole, as when the state acts as substantial trustee for the public ..." have been reviewed under the great public importance exception even when a party has lost standing. *See Janet D.*, 362 A.2d at 1170. However, while this exception is well-established in Pennsylvania, its use is reserved only for the most exceptional of circumstances: "[i]t is only in very rare cases where exceptional circumstances exist or where matters or questions of great public importance are involved, that [the Supreme Court] ever decides moot questions or erects guideposts for future conduct or actions." *Wortex Mills*, 85 A.2d at 857.

Where courts have applied the great public importance exception, those cases often implicate the rights or interests of broad groups of citizens with common experiences, traits, or characteristics, the breadth of which necessitate adjudication in order to resolve significant future controversy. Such cases often involve laws or rules that impact these groups of citizens due to their common attributes, such that deciding the individual's case before the court will affect the rights or interests of those just like them in the future. For example, cases regarding matters of great public importance have involved laws for the protection, health, safety and well-being of children; the scope of state authority over immigrants; the treatment of school students; sufficiency of evidence of indirect criminal contempt of Pa.R.Civ.P. 1905 Protection From Abuse Orders; and even the fares charged for public transportation. *See D.G.A. v. Dep't of Human Services*, 2020 WL 283885 *4 (Pa. Commw. Ct. Jan. 21, 2020) (non-precedential opinion) (citing *Janet D.*, 362 A.2d at 1070; *Commonwealth v. Nava*, 966 A.2d 630, 633 (Pa. Super. 2009); *Mifflin Cty. Sch. District v. Stewart by Stewart*, 503 A.2d 1012 (Pa. Commw. 1986); *Baker*, 766 A.2d at 330 n. 4; *SEPTA v. Weiner*, 426 A.2d 191 (Pa. Commw. 1981)). It is not merely the presence of a significant interest alone that determines application of this exception. In *In re Gross*, for example, the Pennsylvania Supreme Court

found this exception was not warranted despite the case involving the rights of involuntarily committed psychiatric patients. 382 A.2d at 122-23. And in *Wortex Mills*, the Pennsylvania Supreme Court declined to apply the exception when the parties asked the Court to decide the constitutionality of peaceful picketing for organizational purposes. 85 A.2d at 857.

Plaintiff argues the relevant issue of great public importance is whether Plaintiff, as a School District Board member, can be denied access to documents necessary for his decision-making process. See Plaintiff's Brief in Support of Plaintiff's Response in Opposition to Defendants' Motion to Dismiss, at 8-9. However, Plaintiff does not point to any statute or rule that governs school board members' access to documents that is implicated by this case. Plaintiff does not specify how his access to these documents is likely to impact other school board members or even the public generally. Plaintiff relies only on his status as a School District Board member to establish the public importance of his access to the documents he requested. Without any indication Plaintiff's access to these documents will impact other school board members or the public at large, this Trial Court cannot erect guideposts for the School District Board's future conduct when Plaintiff no longer has standing.

Moreover, it is well-settled in Pennsylvania law that school district board members act in an official capacity only when lawfully convened as a body. *School Dist. of Philadelphia v. Framlau Corp.*, 328 A.2d 866, 870 (Pa. Commw. 1974). No single school district board member can act with the school board's authority nor compel the entire board or individual members of the board to act in an official capacity. In this instant case, this includes demanding the production of records which the majority of the School District Board members have determined are unnecessary in exercising the School District Board's duties. Plaintiff had the right to vote against such decisions and did so as a School District Board member.

After reviewing counsel's briefs, and after considering the factual history and the nature of the controversy between the parties, this Trial Court finds and concludes the issues raised by Plaintiff do not involve matters of great public importance needed to continue this case despite Plaintiff's absence of standing.

The second mootness doctrine exception Plaintiff contends is applicable to the instant case is the "capable of repetition but likely to evade judicial review exception." This exception is utilized when the issue in question has and will continue to affect many similar parties but is of such a temporary or short-term nature that those parties are not likely to maintain standing throughout the judicial process. See *D.G.A. v. Dep't of Human Services*, *3-4 (citing *Baker*, 766 A.2d at 330 n. 4; *Janet D.*, 362 A.2d at 1069; etc.). In *Janet D.*, for example, the issue was the treatment received by deprived children in shelter facilities who were authorized by law to be placed there but could only remain for three months. *Janet D.*, 362 A.2d at 1060. And in *Baker*, the issue was the sufficiency of evidence needed to convict a defendant of indirect criminal contempt of a Rule 1905 PFA Order, for which the maximum sentence was only six months. *Baker*, 766 A.2d at 328; see Pa.R.Civ.P. 1905. In both cases, the Pennsylvania Supreme Court found there were many more individuals likely to experience the same issues and the judicial process would far exceed the length of time any would retain standing if they brought their cases before the courts.

In the instant case, Plaintiff has not provided sufficient support for his assertion that this exception applies. Plaintiff did not cite to any law or rule that governs the issue at hand, as was the case in *Janet D.* and *Baker*, as individual school board members are not granted or

denied access to documents by express rule or statute. Plaintiff did not provide any examples of similar disputes among school board members or past cases adjudicating school board members' access to documents, either. There is no indication that if this Trial Court does not decide Plaintiff's case, many other school board members will continue to experience the same issues in the future. In fact, Plaintiff relies only on the length of a school board member's term to justify application of this exception, which this Trial Court acknowledges could be brief enough to evade judicial review. However, to apply this exception, Plaintiff's case must also be likely to repeat itself, and this Trial Court finds and concludes there is no indication this issue will repeat itself.

For all of the aforementioned reasons, this Trial Court enters the following Order:

ORDER

AND NOW, to wit, on this 24th day of July, 2020, for all of the reasons as set forth in this Trial Court's Opinion, it is hereby **ORDERED, ADJUDGED, AND DECREED** Defendants' Motion to Dismiss Plaintiff's Amended Complaint and Request for Permanent Injunction is **GRANTED**.

BY THE COURT

/s/ **Stephanie Domitrovich, Judge**

**BANKRUPTCY SALE NOTICE
IN THE UNITED STATES
BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF
PENNSYLVANIA**

In re: Brian K. Hultberg,
Case No. 19-10981-TPA

Property to be sold: **4501 E. STANCLIFF ROAD, TOWNSHIP OF MCKEAN, ERIE COUNTY, PA, single family home on 20 acres**, a full legal description of which can be found in Erie County Record Book 1162 at page 293.

Zoom Sale Hearing to be held:
October 14, 2020 at 11:30 a.m.

Before Judge Thomas P. Agresti,
U.S. Courthouse, Bankruptcy Court,
17 South Park Row, Erie, PA 16501.

Objections due by:

September 17, 2020

Initial Offer: \$400,000.00

Higher and better offers will be considered at the hearing

Hand Money Required: \$10,000.00

Contact John C. Melaragno, Esq.,
502 West Seventh Street, Erie, PA
16502, (814) 459-5557

For more information: www.pawb.uscourts.gov/electronic-access-sales-information-easi

Sept. 18

**BANKRUPTCY SALE NOTICE
IN THE UNITED STATES
BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF
PENNSYLVANIA**

In re: Brian K. Hultberg,
Case No. 19-10981-TPA

Property to be sold: 10 ACRES
(UNDEVELOPED) ON E.
STANCLIFF ROAD, TOWNSHIP
OF MCKEAN, ERIE COUNTY,

PA, Erie County Tax Parcel No.
21-73-5-.02

Zoom Sale Hearing to be held:
October 14, 2020 at 11:30 a.m.

Before Judge Thomas P. Agresti,
U.S. Courthouse, Bankruptcy Court,
17 South Park Row, Erie, PA 16501.

Objections due by:

September 19, 2020

Initial Offer: \$45,000.00

Higher and better offers will be considered at the hearing

Hand Money Required: \$2,000.00

Contact John C. Melaragno, Esq.,
502 West Seventh Street, Erie, PA
16502, (814) 459-5557

For more information: www.pawb.uscourts.gov/electronic-access-sales-information-easi

Sept. 18



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FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

1. Fictitious Name: The Pennsylvania Center for Diabetes Prevention and Education
2. Address of the principal place of business is 2545 West 26th Street, Erie, PA 16506.
3. Person who is party to the registration: The Sight Center of Northwest Pennsylvania

4. An application for registration of a fictitious name under the Fictitious Names Act was filed July 15, 2020. LAW OFFICES OF GERY T. NIETUPSKI, ESQUIRE, LLC
800 State Street, Suite A
Erie, PA 16501

Sept. 18

INCORPORATION NOTICE

NOTICE is hereby given that 814 Outdoor Sports, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
ELDERKIN LAW FIRM
456 West 6th St.
Erie, PA 16507

Sept. 18

INCORPORATION NOTICE

Notice is hereby given that SHARMIE CORPORATION has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

Mark A. Denlinger, Esquire
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501

Sept. 18

INCORPORATION NOTICE

SICILIANO BUILDERS INC. has been incorporated under the provisions of the Business Corporation Law of 1988.

G. Christopher Orton, Esquire
Orton & Orton, Attorneys at Law
68 E. Main Street
North East, PA 16428

Sept. 18



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- Active member of the National Structured Settlement Trade Association (NSSTA).
- NFP is ranked by Business Insurance as the 6th largest global benefits broker by revenue, and the 5th largest US-based privately owned broker.

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, September 9, 2020** and confirmed Nisi.

October 21, 2020 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>2020</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
248	David H. Petri..... a/k/a David Petri	David D. Petri, Administrator	Grant M. Yochim, Esq.

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

Sept. 18, 25



Forensic Accounting Specialists

3703 West 26th St.
Erie, PA 16506
814/833-8545

113 Meadville St.
Edinboro, PA 16412
814/734-3787

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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**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

**BROWN, HERBERT M., a/k/a
HERBERT BROWN, a/k/a
HERB BROWN,
deceased**

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

Executrix: Lori C. Pitonyak

Attorney: James A. Pitonyak, Esq., 2618 Parade Street, Erie, PA 16504

**BUSH, MARY LOUISE,
deceased**

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

Executrix: Lori A. DiPlacido

Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**CHRISTENSEN, CHRIS,
deceased**

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

Executrix: Christine Maine, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

Attorney: Paul J. Carney, Jr., Esquire, 224 Maple Avenue, Corry, PA 16407

**CORBIN, RICHARD O.,
deceased**

Late of Springfield Township

Executrix: Betty Lou Fox, c/o 246

West 10th Street, Erie, PA 16501

Attorney: Evan E. Adair, Esq., 246

West 10th Street, Erie, PA 16501

**DeANGELIS, MICHELE LYNN,
a/k/a MICHELE L. DeANGELIS,
deceased**

Late of the Township of Millcreek, Erie County, PA

Executor: Daryl DeAngelis, 212

West 3rd Street, Oil City, PA 16301

Attorney: None

**EMMONS, ERNEST J.,
deceased**

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

Executor: Daryl A. Emmons, c/o

Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

Attorney: Paul J. Carney, Jr., Esquire, 224 Maple Avenue, Corry, PA 16407

**HILBERT, WILLIAM M., SR.,
deceased**

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

Executor: M. Hilbert, c/o MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, PA 16507-1459

Attorney: Thomas J. Buseck, Esquire, MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, PA 16507-1459

**LYNCH, PATRICIA H., a/k/a
PATRICIA M. LYNCH,
deceased**

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

Executor: Alfred F. Lynch III

Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**MAPSTONE, SARA JEAN, a/k/a
SARA J. MAPSTONE, a/k/a
SALLY MAPSTONE,
deceased**

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

Administrator C.T.A.: James Harrington, 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

**ORTON, LEWIS W.,
deceased**

Late of North East Township, Erie County, North East, PA

Executrix: Marilyn L. Orton, 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

**PFEIFFER, GEORGE C., IV,
deceased**

Late of the City of Erie

Executor: George C. Pfeiffer, III

Attorney: Edwin W. Smith, Esquire, Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**PYSH, ANN M., a/k/a
ANN MARIE PYSH, a/k/a
ANN PYSH,
deceased**

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

Administrator C.T.A.: Thomas J. Buseck, 100 State Street, Suite 700, Erie, PA 16507-1459

Attorney: Thomas J. Buseck, Esquire, MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**SANDERS, RICHARD A.,
deceased**

Late of the Township of Waterford,
County of Erie, Pennsylvania
Co-Executors: Eric Alan Sanders
and Aaron Ray Sanders, c/o
Thomas J. Ruth, Esq., 224 Maple
Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq.,
224 Maple Avenue, Corry, PA
16407

**SHEROSKY, JOSEPH J.,
deceased**

Late of the Township of Fairview,
County of Erie, Commonwealth of
Pennsylvania
Administratrix: Melody Karle,
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

**SMRCKA, ARNOLD, a/k/a
ARNOLD A. SMRCKA,
deceased**

Late of the Borough of Union City,
County of Erie, Pennsylvania
Executor: Scott D. Smrcka, c/o
Paul J. Carney, Jr., Esq., 43 North
Main Street, Union City, PA 16438
Attorney: Paul J. Carney, Jr.,
Esquire, 43 North Main Street,
Union City, PA 16438

**TITCH, ROSE M.,
deceased**

Late of the Township of Concord,
County of Erie, Pennsylvania
Executor: Paul A. Titch, c/o Paul
J. Carney, Jr., Esq., 43 North Main
Street, Union City, PA 16438
Attorney: Paul J. Carney, Jr.,
Esquire, 43 North Main Street,
Union City, PA 16438

**WILSON, AUDREY T.,
deceased**

Late of Millcreek Township, Erie
County, Pennsylvania
Executrix: Donna M. Wilson, c/o
Robert G. Dwyer, Esq., 120 West
Tenth Street, Erie, PA 16501
Attorney: Robert G. Dwyer, Esq.,
Knox McLaughlin Gornall &
Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**WILSON, BARBARA J.,
deceased**

Late of North East Borough, Erie
County, North East, PA
Administrator: Clare L. Wilson,
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

**WINSLOW, BENJAMIN H., III,
deceased**

Late of the Township of Girard,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Sheila A. Winslow,
c/o Quinn, Buseck, Leemhuis,
Toohey & Kroto, Inc., 2222 West
Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf,
Esq., Quinn, Buseck, Leemhuis,
Toohey & Kroto, Inc., 2222 West
Grandview Blvd., Erie, PA 16506

SECOND PUBLICATION

**BAKER, DOUGLAS E.,
deceased**

Late of the City of Erie, Erie
County, Pennsylvania
Executor: Douglas E. Baker, Jr.,
c/o Christine Hall McClure, Esq.,
120 West Tenth Street, Erie, PA
16501
Attorney: Christine Hall McClure,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**CARLO, BRIAN, a/k/a
BRIAN P. CARLO,
deceased**

Late of Erie City of Erie County
Administratrix: Holly Carlo
Attorney: Adam C. Haggag,
Esquire, Edgar Snyder &
Associates, LLC, U.S. Steel
Tower, 10th Fl., 600 Grant Street,
Pittsburgh, Pennsylvania 15219

**DOELFEL, JOHN G., IV, a/k/a
JOHN GEORGE DOELFEL, IV,
deceased**

Late of the Township of
Harborcreek, County of Erie,
Commonwealth of Pennsylvania
Executrix: Autumn L. Lassiter,
c/o Leigh Ann Orton, Esquire,
Orton & Orton, LLC, 68 East Main
Street, North East, PA 16428
Attorney: Leigh Ann Orton,
Esquire, Orton & Orton, LLC,
68 East Main Street, North East,
PA 16428

**FERRICK, SHIRLEY A., a/k/a
SHIRLEY ANN FERRICK,
deceased**

Late of the Township of McKean,
County of Erie and Commonwealth
of Pennsylvania
Co-Executors: Valerie A. Metz
and William L. Ferrick, c/o Vlahos
Law Firm, P.C., 3305 Pittsburgh
Avenue, Erie, PA 16509
Attorney: Darlene M. Vlahos,
Esq., Vlahos Law Firm, P.C., 3305
Pittsburgh Avenue, Erie, PA 16508

**HUTTENSTINE, BARBARA N.,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executor: John Martin Matthews,
c/o Kurt L. Sundberg, Esq.,
Suite 300, 300 State Street, Erie,
PA 16507
Attorney: Kurt L. Sundberg,
Esq., MARSH, SCHAAF, LLP,
Suite 300, 300 State Street, Erie,
PA 16507

**JACKSON, AUDRIE E., a/k/a
AUDRIE JACKSON,
deceased**

Late of the Township of Girard,
County of Erie, Commonwealth
of Pennsylvania
Executor: Rex Jackson, 86 Park
Avenue, Albion, Pennsylvania
16401
Attorney: Grant M. Yochim, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**LAWRENCE, JUDY A., a/k/a
JUDY ANN LAWRENCE, a/k/a
JUDY LAWRENCE,
deceased**

Late of Millcreek Township,
Erie County, Commonwealth of
Pennsylvania

Executrix: Pamela S. Zaycosky,
c/o Thomas C. Hoffman, II, Esq.,
120 West Tenth Street, Erie, PA
16501

Attorney: Thomas C. Hoffman, II,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**MACK, LEONA G.,
deceased**

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

Executrix: Sharon L. Mack, c/o
Vlahos Law Firm, P.C., 3305
Pittsburgh Avenue, Erie, PA 16509

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

**McANDREW, MARY ALICE,
deceased**

Late of the Township of Summit
Executrix: Patricia E. Matson,
7202 Fieldstone Court, Erie, PA
16509

Attorney: Michael A. Fetzer,
Esquire, Knox McLaughlin
Gornall & Sennett, P.C., 120 West
Tenth Street, Erie, PA 16501

**PITONYAK, MARY ALYS, a/k/a
MARY A. PITONYAK, a/k/a
MARY PITONYAK,
deceased**

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

Executor: Steven J. LaJohn, 9040
West Lake Road, Lake City, PA
16423-2102

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

**SEXSMITH, JOAN MATHER,
deceased**

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

Executrix: Katherine Sexsmith,
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

THIRD PUBLICATION

**ALLEN, ANN C.,
deceased**

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

Administratrix: Catherine
McCalmont

Attorney: David J. Rhodes,
Esquire, ELDERKIN LAW FIRM,
456 West 6th Street, Erie, PA
16507

**BARTLETT, MAGDALENA M.,
a/k/a MAGDALENA BARTLETT,
a/k/a MADELINE M. BARTLETT,
a/k/a MADELINE BARTLETT,
deceased**

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

Executrix: Constance M. Yochim,
2953 Coleridge Drive, Erie, PA
16506-4421

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

**CZULEWICZ, EDWARD R.,
deceased**

Late of the Borough of
Wesleyville, County of Erie and
Commonwealth of Pennsylvania

Co-Executrices: Janet A. York and
Sharon M. Czulewicz

Attorney: David J. Rhodes,
Esquire, ELDERKIN LAW FIRM,
456 West 6th Street, Erie, PA
16507

**EMLING, ROY SCOTT, JR., a/k/a
R. SCOTT EMLING, JR., a/k/a
SCOTT EMLING, JR., a/k/a
ROY SCOTT EMLING, a/k/a
R. SCOTT EMLING, a/k/a
SCOTT EMLING,
deceased**

Late of Harborcreek Township,
Erie County, Commonwealth of
Pennsylvania

Executor: Marc S. Emling, c/o
Frances A. McCormick, Esq., 120
West Tenth Street, Erie, PA 16501

Attorney: Frances A. McCormick,
Esq., Knox McLaughlin Gornall
& Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

**ERICKSON, JESSE D., a/k/a
JESSE ERICKSON,
deceased**

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

Executrix: Connie L. Johnson,
4308 Colindale Road, Unit 104,
Chesapeake, Virginia 23321

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

**FITZGERALD, MARY M.,
deceased**

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

Co-Executrices: Mary Ellen
Simmons and Amy S. Roach,
c/o James E. Marsh, Jr., Esq.,
Suite 300, 300 State Street, Erie,
PA 16507

Attorney: James E. Marsh, Jr.,
Esq., MARSH SCHAAF, LLP,
Suite 300, 300 State Street, Erie,
PA 16507

**FLEMING, DENNIS K., III, a/k/a
DENNIS KEITH FLEMING, III,
a/k/a DENNIS K. FLEMING,
deceased**

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

Co-Administrators: Dylan M.
Simmer, 2715 Woodlawn Ave.,
Erie, PA 16510-1755, Colton
Fleming, 3116 Amherst Road,
Erie, PA 16506-2606 and Ariel
Fleming, 3527 Idlewood Drive,
Erie, PA 16510-1915

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

**GRACK, GLADYS, a/k/a
GLADYS R. GRACK, a/k/a
GLADYS T. GRACK,
deceased**

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

Executor: Anthony J. Grack, c/o
535 W. Arlington Rd., Erie, PA
16509-2266

Attorney: Scott E. Miller, Esquire,
535 W. Arlington Rd., Erie, PA
16509-2266

**JENSEN, JOHN M.,
deceased**

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

Executor: Keith Jensen, 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

**MILLOY, ROGER H., a/k/a
ROGER MILLOY,
deceased**

Late of the Township of Millcreek,
Commonwealth of Pennsylvania

Executrix: Diane R. Heald, c/o
Vendetti & Vendetti, 3820 Liberty
Street, Erie, Pennsylvania 16509

Attorney: Richard A. Vendetti,
Esquire, Vendetti & Vendetti, 3820
Liberty Street, Erie, PA 16509

**MIODUSZEWSKI, JANET M.,
deceased**

Late of Erie City, Erie County, PA
Co-Administrators: Serena
Schodt and William Michael
Mioduszeewski, c/o Kristen L.
Behrens, Esq., 457 Haddonfield
Rd., Ste. 700, Cherry Hill, NJ
08002

Attorney: Kristen L. Behrens,
Esq., Dilworth Paxson LLP, 457
Haddonfield Rd., Ste. 700, Cherry
Hill, NJ 08002

**MOKHA, HANNE W., a/k/a
HANNE WEBER HANSEN
MOKHA,
deceased**

Late of the City of Erie

Executor: J. Thomas Simmons,
350 W. 10th St., Erie, PA 16502

Attorney: Michael A. Fetzner,
Esquire, Knox McLaughlin
Gornall & Sennett, P.C., 120 West
Tenth Street, Erie, PA 16501

**SCHULTZ, DOROTHY W.,
deceased**

Late of North East Township, Erie
County, North East, PA

Co-Executors: Dorothy A. Wagner
and Edward J. Schultz, Jr., 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

**WETTEKIN, RONALD T.,
deceased**

Late of Millcreek Township

Executor: Charles J. Wettekin,
c/o 246 West 10th Street, Erie,
PA 16501

Attorney: Evan E. Adair, Esq., 246
West 10th Street, Erie, PA 16501

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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

STEPHEN J. LAGNER814-315-3328
P.O. Box 8043
Erie, PA 16505 sjlagner@erielawyer.com

Change of last name and email address

COURTNEY M. HELBLING (Neer)..... Courtney_Helbling@pawb.uscourts.gov

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