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ERIE COUNTY LEGAL JOURNAL

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

Managing Editor: Megan E. Anthony

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ERIE COUNTY BAR ASSOCIATION CALENDAR OF EVENTS AND SEMINARS

MONDAY, MARCH 7, 2022

ECBA Holiday Dinner Dance
Committee Meeting
Noon
ECBA Headquarters live (must RSVP)
or via Zoom

FRIDAY, MARCH 11, 2022

Wills for Heroes Meeting
Noon
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or via Zoom

TUESDAY, MARCH 15, 2022

Diversity & Inclusion Section Education Subcommittee Meeting
Noon
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WEDNESDAY, MARCH 16, 2022

Diversity & Inclusion Section Community/Membership Subcommittee Meeting
Noon
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TUESDAY, MARCH 22, 2022

Live ECBA Lunch-n-Learn Seminar
*Forensic Meteorology:
Revealing Weather-Related Truths*
Noon - 1:00 p.m.
The Will J. Schaaf & Mary B. Schaaf
Education Center in-person or via Zoom
Click link for details
<https://www.eriebar.com/events/public-registration/1754>

WEDNESDAY, MARCH 23, 2022

Workers' Compensation Section Meeting
4:00 p.m.
ECBA Headquarters in-person (must RSVP)
or via Zoom

THURSDAY, MARCH 24, 2022

Defense Bar Section Meeting
4:00 p.m.
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FRIDAY, MARCH 25, 2022

Erie County Law Foundation Board Meeting
Noon
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MONDAY, MARCH 28, 2022

ECBA Board of Directors Meeting
Noon
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
MOTION COURT DATES FOR JUDGE THOMAS P. AGRESTI
ERIE AND PITTSBURGH DIVISION CASES
MARCH 2022 NOTICE

The following is a list of *March 2022, April 2022, and May 2022* motion court dates and times to be used for the scheduling of motions pursuant to *Local Rule 9013-5(a)* before **Judge Thomas P. Agresti** in the Erie and Pittsburgh Divisions of the Court. The use of these dates for scheduling motions consistent with the requirements of *Local Rule 9013-5(a)* and Judge Agresti's *Procedure B(1)-(3)* summarized below and on Judge Agresti's webpage at: www.pawb.uscourts.gov.

The motions will be heard by the Zoom Video Conference Application. When using the below self-scheduling dates to schedule a matter please include the following Zoom Meeting link in your Notice: <https://www.zoomgov.com/j/16021303488>, or alternatively, to attend and use the following Meeting ID: 160 2130 3488. To join the Zoom hearing please initiate and use the link 15 minutes prior to your scheduled hearing time. All Attorneys and Parties may only appear via the Zoom Video Conference Application and must comply with the Updated Notice of Temporary Modification of Appearance Procedures Before Judge Thomas P. Agresti, as updated on November 22, 2021.

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the *Local Bankruptcy Rules* and the Judge's procedures, insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time, *only*, for the indicated motions(s) *unless*: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

SCHEDULE CHAPTERS 13 & 12 MOTIONS ON:

Select the following times, EXCEPT for the specific matters to be scheduled at 11:30 a.m.:

Wednesday, March 9, 2022	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, April 6, 2022	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, May 4, 2022	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
	11:30 a.m.:	Ch. 13 Sale, Financing and Extend/Impose Stay & Ch. 12 matters

SCHEDULE CHAPTERS 11 & 7 MOTIONS ON:

Select the following times, EXCEPT for Ch. 7 Motions to Extend/Impose Stay scheduled only at 11:00 a.m., and, all sale motions only at 11:30 a.m.:

Thursday, March 10, 2022	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, March 24, 2022	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, April 7, 2022	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, April 14, 2022*	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters,
Thursday, April 28, 2022		including all Ch. 7 Motions to Extend/Impose Stay
Thursday, May 5, 2022	11:30 a.m.:	Ch. 11 and 7 Sale Motions at this time, only
Thursday, May 19, 2022**		

***This date is no longer available. April 7th and April 28th have been added**

****Select the following times for Thursday, May 19, 2022, only:**

9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters,
	including all Ch. 7 Motions to Extend/Impose Stay
1:30 p.m.:	Ch. 11 and 7 Sale Motions at this time, only

ALL OF THE DATES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates that have been published previously. THIS SCHEDULE CAN BE VIEWED ON PACER (Public Access to Court Electronic Records) and on the Court's Web Site (www.pawb.uscourts.gov).

Michael R. Rhodes
Clerk of Court

Mar. 4

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Jan. 7, 21 and Feb. 4, 18 and Mar. 4, 18

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MILISSA A. ENDERS, Plaintiff/Appellee

v.

TERRY L. KERSTETTER, Defendant/Appellant

CONTEMPT

The difference between civil contempt and criminal contempt is that the civil contempt has as its dominant purpose to enforce compliance with an order of court for the benefit of the party in whose favor the order runs while criminal contempt has its “dominant purpose” in “the vindication of the dignity and authority of the court and to protect the interests of the general public.”

CONTEMPT

If the dominant purpose is to prospectively coerce the contemnor to comply with an order of the court, the adjudication of contempt is civil. If, however, the dominant purpose is to punish the contemnor for disobedience of the court's order or some other contemptuous act, the adjudication of contempt is criminal.

CONTEMPT

In order to sustain a finding of civil contempt, the complainant must prove certain distinct elements by a preponderance of the evidence: (1) the contemnor had notice of the specific order or decree which is alleged to have disobeyed; (2) the act constituting the contemnor's violation was volitional; and (3) the contemnor acted with wrongful intent.

RES JUDICATA / COLLATERAL ESTOPPEL

Res judicata, or claim preclusion, prohibits parties involved in prior, concluded litigation from subsequently asserting claims in a later action that were raised, or could have been raised, in the previous adjudication. Collateral estoppel is similar in that it bars re-litigation of an issue that was decided in a prior action, although it does not require that the claim as such be the same.

RES JUDICATA

The four elements of res judicata are: (1) the issue or issues in the current case have already been adjudicated on in a prior proceeding; (2) the cause of action in the current proceeding is the same as the cause of action in a prior proceeding; (3) the parties to the current action are the same parties to the prior action; and (4) the quality and capacity of the parties are the same as they were in the prior proceeding.

COLLATERAL ESTOPPEL

The four basic elements of collateral estoppel are: (1) the issue is the same as in the prior litigation; (2) the prior action resulted in a final judgment on the merits; (3) the party against whom the doctrine is being asserted is the same as the party in the prior action; and (4) the person against whom the doctrine is being asserted had a full and fair chance to litigate the issue(s) in the prior action. Courts sometimes impose a fifth element of collateral estoppel namely, that resolution of the issue in the prior proceeding was essential to the judgment.

APPEAL AND ERROR

Issues not raised in the lower court are waived and cannot be raised on appeal.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
FAMILY DIVISION
Erie County Docket No. 13301-2013
PA SUPERIOR COURT
145 WDA 2022

Appearances: Terry L. Kerstetter, *pro se*, Appellant
Patrick W. Kelley, Esq., counsel for Appellee Milissa A. Enders

OPINION

Domitrovich, J., February 22, 2022

This custody matter is before the Court on Terry L. Kerstetter’s [Appellant] timely appeal from a January 11, 2022, Order, denying Appellant’s December 8, 2021, Petition for Contempt of Custody Order after he failed to carry his burden of proof under the preponderance of the evidence standard. Appellant did not enter or offer properly any evidence in support of his claims before or during his January 11, 2022, hearing.

Appellant failed to serve properly this Trial Court with his Notice of Appeal under Rule 1925(a)(2)(i), and he filed no Proof of Service indicating he served counsel of record. Moreover, Appellant did not file any objections or motions at the hearing to preserve any issues for appeal. Appellant also attached improperly his so called “exhibits” that he failed to present to the Trial Court at or before the custody contempt proceeding.

Appellant *pro se* failed to serve the Trial Court, which this Trial Court discovered after reviewing the list of appeals on the AOPC’s UJS Portal Application. Upon learning of Appellant’s lack of notice to this Trial Court, this Trial Court directed Appellant on February 3, 2022, to file a Concise Statement of Matters Complained of on Appeal within twenty-one (21) days of the entry of the January 11, 2022, Court Order. However, this Trial Court later discovered its Order was not necessary as Appellant, who did not properly serve this Trial Court, included in his Notice of Appeal a three-page list of eight (8) complaints and comments that is, in essence, his Concise Statement of Issues, even though this document was not labeled as such.

On appeal, Appellant raises eight (8) claims in his unlabeled Concise Statement. However, these claims can be consolidated into one overarching issue:

Whether this Trial Court erred or abused its discretion by denying Appellant’s December 8, 2021, Petition for Contempt of Custody Order where Appellant failed to meet his burden of proof under the preponderance of evidence standard, and where Appellant failed to present to this Trial Court and opposing counsel any of the exhibits in support of his claims which he now attaches after the hearing and decision has been rendered, and where all of Appellant’s claims and factual averments were already heard and addressed before the Trial Court in prior proceedings and are therefore precluded from being re-litigated under the doctrines of res judicata and collateral estoppel.

BACKGROUND

Appellant *pro se* has a long, prolific filing history with regards to this case. Appellant has filed no fewer than eight (8) Petitions for Contempt of Custody Orders since the commencement of this case in 2013, only one of which was meritorious. Moreover, Appellant previously filed both a contempt petition and a petition for special relief over these exact

same claims and factual averments, both of which were heard and denied by Judge Elizabeth Kelly of the Erie County bench for the reasons stated in her Court Orders. *See Order dated May 10, 2021, and Order dated September 29, 2021.*

In the instant case, Appellant filed a Petition for Contempt of Custody Order on December 8, 2021, [hereafter the “December 8, 2021, Contempt Petition”]. In this December 8, 2021, Contempt Petition, Appellant alleged Mother Milissa A. Enders [Appellee] was in violation of the October 30, 2020, Custody Consent Agreement. The Order, in relevant part, provides as follows:

Neither party shall consume alcohol while the child is in his or her presence and neither party shall engage in illegal drug activity.

* * * * *

This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child. The term “mutual agreement” contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provision. *Custody Consent Agreement dated Oct. 30, 2020*, paras. 5 and 16; *c.f. Petition for Contempt of Custody Order dated December 8, 2021.*

In the instant case, Appellant claims Appellee is currently in violation of the October, 30, 2020, Custody Order, alleging: (1) Appellee abused alcohol on prior occasions resulting in Office of Children and Youth [OCY] involvement and was allegedly convicted of child endangerment; and (2) Appellee violated the October 30, 2020, Custody Order by not reaching a mutual agreement with Appellant regarding partial custody of Minor Child.

However, Appellant offered no evidence in support of either of these claims before or during the January 11, 2022, contempt hearing. *See Petition for Contempt of Custody Order dated December 8, 2021, and Tr.* at 12-14. Appellant also inaccurately and incorrectly argued confidential documents that Appellant had subpoenaed were filed by the subpoenaed party into the public record. This Trial Court repeatedly informed Appellant that no such documents had been received or filed, and Appellant has the responsibility to ensure the subpoenas are properly served and evidence he wishes to use are properly entered into the Record. *Tr.* at 12-14. This Trial Court also explained to Appellant how Appellant may ensure that subpoenaed documents are properly authenticated and entered into evidence. *Tr.* at 13-14. Appellant was unreceptive to receiving this information, and instead continued to argue with this Trial Court about said documents. *Id.* at 14. Attorney Kelley for Appellee also tried to explain the procedure to Appellant, but to no avail.

In light of Appellant’s insistence and in an attempt to accommodate Appellant as a *pro se* litigant, this Trial Court further inquired as to what documents Appellant was referring to, reiterating yet again that no documents from Office of the Children and Youth of Erie County had been received and that Appellant himself was not offering any evidence to support his claims:

Appellant:	It’s interesting because I wonder why they actually sent me those from Harrisburg.
The Court:	Sent you what from Harrisburg? You don’t have anything for me today sir. I don’t see any paperwork in front of you.

Tr. at 14. *See also, c.f.*, *Tr.* at 3 (Appellant asking this Trial Court for a copy of the October 30, 2020, Order because he did not have anything with him). Upon hearing this, **Appellant replied “That’s okay. There’s always next time.”** *Tr.* at 13. *Emphasis added.*

Moreover, Appellant’s December 8, 2021, Contempt Petition contains no alleged violations committed by Appellee that were active, ongoing, or current. Both violations alleged by Appellant had already been addressed by Judge Elizabeth Kelly of the Trial Court on two separate previous occasions, and, therefore, are precluded from being considered again under the doctrines of res judicata and collateral estoppel. *See Order dated May 10, 2021, and Order dated September 29, 2021; see also Tr.* at 9.

Historically, Appellant had previously filed a Petition for Contempt of Custody Order on March 8, 2021, [hereafter the “March 8, 2021, Contempt Petition”] in which Appellant alleged, in relevant part, that Appellee had violated the Custody Order by consuming alcohol in front of Minor Child. Said March 8, 2021, Contempt Petition was denied by Judge Elizabeth K. Kelly on May 10, 2021. *See Order dated May 10, 2021.* Appellant then filed a subsequent Petition for Special Relief on July 14, 2021 [hereafter the “July 14, 2021, Special Relief Petition”], requesting in relevant part that Appellee enroll in drug and alcohol treatment “immediately” and for an emergency plan of action in the event Appellee became incarcerated as a result of her pending criminal charge. *See Petition for Special Relief dated July 14, 2021.* This July 14, 2021, Special Relief Petition was also clearly denied by Judge Elizabeth K. Kelly on September 29, 2021:

Milissa A. Enders [Appellee] ... ***is already engaged in treatment to address the concerns raised regarding her alcohol use and she remains available to serve as the Child’s custodian.*** Once Father [Appellant] is released from incarceration, allowing him the ability to exercise physical custody of the Child, he may pursue the same through an appropriate petition requesting modification of the October 30, 2020, Order of Court governing custody of the Child. *Order dated September 29, 2021.* (Emphasis added).

In the instant case, Appellee through her credible testimony and argument by her counsel, Attorney Patrick Kelley, rebutted Appellant’s claims. Appellee gave credible and candid testimony that Appellee is already enrolled and has been involved in intensive outpatient alcohol treatment that Appellee is and has been sober since Appellee started her treatment, and that the treatment facility can conduct a random urine test on Appellee at any time. *Tr.* at 11-12. Appellee also gave credible and candid testimony that OCY was not involved after the previous 2018 and 2020 evaluations — the same evaluations upon which Appellant’s claims are based, and which were addressed and disposed of during the Contempt hearing on May 10, 2021, and the Special Relief hearing on September 29, 2021. *See Tr.* at 9-11. Appellee also gave credible and candid testimony that Appellee had pled guilty to disorderly conduct after one of these incidents, not endangerment of the welfare of a child. *See Tr.* at 9-10.

On behalf of the Appellee, Attorney Patrick Kelley provided the relevant background to this case and informed this Trial Court that both of Appellant’s allegations were already addressed already in the aforementioned prior proceedings. *Tr.* at 8-9. Attorney Patrick Kelley also informed this Trial Court that, contrary to Appellant’s assertions, Appellee had never been incarcerated, and the charge to which Appellee had pled guilty was disorderly conduct, not child endangerment. *Tr.* at 7. Attorney Patrick Kelley also provided insight into

Appellant’s “mutual agreement” claim, explaining how Appellant and Appellee struggled to find a specific time for telephone phone calls that worked well for both parties. *Tr.* at 9.

Appellant, without any proper legal objection, needlessly interrupted Appellee’s testimony several times. *See, e.g., Tr.* at 10, 12. Moreover, Appellant presented no evidence to support any of his claims during this January 11, 2022, Contempt hearing. As stated previously, this Trial Court explained to Appellant that he needed to present proper evidence to this Trial Court in support of Appellant’s claims, and that Appellant failed to provide this Trial Court with any evidence. *See again, Tr.* at 12-14. As stated previously, Appellant acknowledged this and replied “That’s fine. There’s always next time.” *Tr.* at 14.

This Trial Court then placed its findings, conclusion and decision on the record. *Tr.* at 14. After doing so, this Trial Court gave Appellant, Appellee, and Attorney Patrick Kelley additional time to discuss a potential custody modification in order to reach a mutual agreement. To no avail, no mutual agreement could be reached. This Trial Court entered its Order, denying Appellant’s December 8, 2021, Contempt Petition after finding and concluding Appellant failed to carry his burden of proof as the moving party in this custody contempt proceeding.

APPLICATION OF LAW AND ANALYSIS

A. Standard of Review

“Each court is the exclusive judge of contempts [sic] against its process.” *Garr v. Peters*, 773 A.2d 183, 189 (Pa. Super. 2001). When reviewing a trial court’s finding on a petition for contempt, appellate courts “are limited to determining whether the trial court committed a clear abuse of discretion.” *P.H.D. v. R.R.D.*, 2012 PA Super 246, 56 A.3d 702, 706 (Pa. Super. 2012) (quoting *Flannery v. Iberti*, 763 A.2d 927, 929 (Pa. Super. 2000)).

“If the record adequately supports the trial court’s reasons and factual basis, the court did not abuse its discretion.” *Harman v. Borah*, 562 Pa. 455, 756 A.2d 1116, 1123 (2000). Abuse of discretion only exists “if the trial court renders a judgment that is manifestly unreasonable, arbitrary, or capricious, or if it fails to apply the law or was motivated by partiality, prejudice, bias, or ill will.” *Ambrogi v. Reber*, 932 A.2d 969, 974 (Pa. Super. 2007). Moreover, an abuse of discretion “is not merely an error of judgment, but is rather the overriding or misapplication of the law, or the exercise of judgment that is manifestly unreasonable, or the result of bias, prejudice, ill-will or partiality, as shown by the evidence of record. *Commonwealth v. Santos*, 176 A.3d 877 (Pa. Super. 2017).

Therefore, where there is no evidence on the record to indicate any “clear” misapplication of law during a contempt proceeding, nor any evidence of “manifestly unreasonable” judgment with regards to a trial court’s findings in said contempt proceeding, there is also no abuse of discretion in that contempt proceeding.

B. Legal and Evidentiary Standards

1. Civil vs. Criminal Contempt

“Contempt may be of a civil or criminal character and criminal contempts [sic] are further divided into direct and indirect contempts [sic].” *Com v. Marcone*, 487 Pa. 572, 577, 410 A.2d 759, 762. (internal citations omitted). The difference between civil contempt and criminal contempt is that the civil contempt “has as its dominant purpose to enforce compliance with an order of court for the benefit of the party in whose favor the order runs,” while criminal contempt has its “dominant purpose” in “the vindication of the dignity and authority of the

court and to protect the interests of the general public.” *Id.* (citing *United States v. United Mine Workers of America*, 330 U.S. 258, 67 S.Ct. 677, 91 L.Ed. 884 (1947) and *Gompers v. Back’s Stove and Range Co.*, 221 U.S. 418, 31 S.Ct. 492, 55 L.Ed. 797 (1911)). Finally, the nature of the contemptuous act complained of is not the determining factor in whether the contempt is criminal or civil:

The distinction between criminal and civil contempt is rather a distinction between two permissible judicial responses to contumacious behavior[.] These judicial responses are classified according to the dominant purpose of the court. If the dominant purpose is to prospectively coerce the contemnor to comply with an order of the court, the adjudication of contempt is civil. If, however, the dominant purpose is to punish the contemnor for disobedience of the court’s order or some other contemptuous act, the adjudication of contempt is criminal. *Marcone* at 578 (quoting *In re Martorano*, 464 Pa. 66, 77-78, 346 A.2d 22, 27-28 (1975)(footnotes omitted).

2. Civil Contempt and Preponderance of the Evidence

In the instant case, Appellant’s December 8, 2021, Contempt Petition is clearly a petition in the nature of civil contempt. Appellant seeks the enforcement of the October 30, 2020, Custody Order for the benefit of himself as a private party, and no public interests or “judicial vindication” are at stake. Accordingly, this Trial Court applied the preponderance of evidence standard when evaluating Appellant’s claims.

In civil contempt proceedings, the proper evidentiary standard is the preponderance of the evidence:

In order to sustain a finding of civil contempt, ***the complainant must prove certain distinct elements by a preponderance of the evidence:*** (1) that the contemnor had notice of the specific order or decree which she is alleged to have disobeyed; (2) that the act constituting the contemnor’s violation was volitional; and (3) that the contemnor acted with wrongful intent.

Harcar v. Harcar, 982 A.2d 1230, 1235 (Pa. Super. 2009) (citing *Stahl v. Redcay*, 897 A.2d 478, 489 (Pa. Super. 2006)).

“A preponderance of the evidence is ‘the greater weight of the evidence, i.e., to tip a scale slightly is the criteria or requirement for preponderance of the evidence.’” *In re Nevra*, 185 A.3d 342, 354 (Pa. Super. 2018) (quoting *Raker v. Raker*, 847 A.2d 720, 724 (Pa. Super. 2004)).

In the instant case, Appellant failed to meet his burden of proof under the preponderance of evidence standard by failing to submit a single piece of evidence corroborating or supporting any of Appellant’s claims to this Trial Court prior to or during the January 11, 2022, Contempt hearing. Appellant was informed repeatedly at this custody contempt hearing of his failure to produce evidence, and this Trial Court even explained how Appellant could properly submit evidence to the Trial Court. While the preponderance of evidence standard is lenient, a moving party must still submit some form of evidence at trial in order to support his claims. Instead, Appellant presented only unsupported, biased claims and previously litigated allegations before this Trial Court.

After hearing the credible testimony of Appellee and weighing Appellant’s unsubstantiated assertions, this Trial Court reached its decision by weighing the credibility of the testimony presented and argument given. Appellant first testified before this Trial Court as to his reasons for filing the instant Contempt Petition. *Tr.* at 2-5. Appellee then credibly responded as to

all issues complained of in Appellant’s instant Contempt Petition. Moreover, Appellee’s counsel provided pertinent, relevant background as to Appellant’s prior filings, each of which included Appellant’s present claims that were previously adjudicated by another judge in prior court hearings. *Tr.* at 5-8.

After testimony from both parties, where Appellant never produced or presented any evidence to support his alleged claims, and after reviewing the relevant paragraphs in the September 29, 2021, Court Order, this Trial Court found and concluded Appellee credibly stated she was still actively enrolled and monitored in an intensive outpatient alcohol addiction treatment program and has remained sober throughout her treatment process. Therefore, this Trial Court found Appellee was not in contempt of the October 30, 2020, Custody Order, and thereby denied Appellant’s December 8, 2021, Contempt Petition.

3. Doctrines of Preclusion: Res Judicata and Collateral Estoppel

The evidence Appellant now submits on appeal was never submitted at the January 11, 2022, Custody Contempt hearing held by this Trial Court, and therefore, was not properly submitted. Moreover, this Trial Court notes every charge and incident report improperly attached to Appellant’s Notice of Appeal occurred before the October 30, 2020, Custody Order was issued. *See Pet. To Appeal Denied Contempt of Custody dated January 21, 2022*, at pp. 5-12.¹ However, assuming arguendo these alleged violations occurred after the Trial Court issued the October 30, 2020, Custody Order, this Trial Court would still be required to deny Appellant’s December 8, 2021, Contempt Petition because the doctrines of res judicata and collateral estoppel bar appellants from re-litigating the same issues and causes of action against the same parties after a final judgment on those issues has been reached, and, as applied in the instant case, each of Appellant’s allegations, issues, and claims against Appellee have all been previously heard, adjudicated and decided in prior hearings and are final judgments.

The Pennsylvania Supreme Court has consistently held the doctrines of res judicata and collateral estoppel bar a complainant from entering into new litigation over claims and issues either already adjudicated, or capable of being adjudicated in an earlier hearing:

Res judicata — literally, a thing adjudicated — is a judicially-created doctrine. It bars actions on a claim, or any part of a claim, which was the subject of a prior action, or could have been raised in that action.... ***[R]es judicata, or claim preclusion, prohibits parties involved in prior, concluded litigation from subsequently asserting claims in a later action that were raised, or could have been raised, in the previous adjudication.... Collateral estoppel is similar in that it bars re-litigation of an issue that was decided in a prior action,*** although it does not require that the claim as such be the same.

In re Coatesville Area School District, 244 A.3d 373, 378-379 (Pa. 2021) (emphasis added) (internal quotations omitted) (citing *Wilkes ex rel. Mason v. Phoenix Home Life Mut. Ins. Co.*, 587 Pa. 590, 607, 902 A.2d 366, 376 (2006); *R/S Financial Corp. v. Kovalchick*, 552 Pa. 584, 588, 716 A.2d 1228, 1230 (1998); *Foster v. Mut. Fire, Marine & Inland Ins. Co.*, 544 Pa. 387, 404, 676 A.2d 652, 661 (1996); *Balent v. City of Wilkes-Barre*, 542 Pa. 555, 563, 669 A.2d 309, 313 (1995); and *In re Estate of Bell*, 463 Pa. 109, 113, 343 A.2d 679, 681 (1975))(internal citations omitted).

¹ While the Information on page 12 was signed in November of 2020, the Information itself plainly states the underlying charge occurred on June 8th. Moreover, Appellee pled guilty to Disorderly Conduct, not Child Endangerment.

The four elements of res judicata are: (1) the issue or issues in the current case have already been adjudicated on in a prior proceeding; (2) the cause of action in the current proceeding is the same as the cause of action in a prior proceeding; (3) the parties to the current action are the same parties to the prior action; and (4) the quality and capacity of the parties are the same as they were in the prior proceeding. *Coatesville*, 244 A.3d at 379; *see also In re Estate of Tower*, 463 Pa. 93, 100, 343 A.2d 671, 674 (1975). Similarly, the four basic elements of collateral estoppel are: (1) the issue is the same as in the prior litigation; (2) the prior action resulted in a final judgment on the merits; (3) the party against whom the doctrine is being asserted is the same as the party in the prior action; and (4) the person against whom the doctrine is being asserted had a full and fair chance to litigate the issue(s) in the prior action. *Coatesville* at 379; *see also Rue v. K-Mart Corp.*, 552 Pa. 13, 17, 713 A.2d 82, 84 (1998). However, courts sometimes also impose a fifth element, “namely, that resolution of the issue in the prior proceeding was essential to the judgment. *See, e.g., Office of Disciplinary Counsel v. Kieseewetter*, 585 Pa. 477, 484, 889 A.2d 47, 50-51 (2005).” *Coatesville* at 379.

These doctrines of res judicata and collateral estoppel developed to shield parties from the burden of re-litigating a claim with the same parties, and to protect the judiciary from the corresponding inefficiency and confusion that re-litigation of a claim would create. *Id.* Moreover, these doctrines are applicable to contempt proceedings and appeals. *See, e.g., Com. ex rel. Coburn v. Coburn*, 384 Pa. Super. 295, 558 A.2d 548 (1989) (implying appellant could have validly raised res judicata during his trial, and applying doctrine of collateral estoppel to reach its holding).

In *Coburn*, the Pennsylvania Superior Court held in part that the appellee was barred from raising the issue of appellant’s paternity in a custody or contempt action due to the doctrine of collateral estoppel. *Coburn*, 384 Pa. Super. at 302-303 (“From this we find appellee is estopped from raising the issue of appellant’s paternity.”) In reaching this conclusion, the Pennsylvania Superior Court conducted an analysis and application of the four collateral estoppel elements. With regard to the first element, the Superior Court found the issue had already been sufficiently addressed in a prior proceeding, and reasoned “absent an appeal taken directly from the Order or a showing of fraud,” the existing order had properly settled the issue and therefore could not “be challenged by an aggrieved party in a subsequent proceeding.” *Id.* at 302 (internal citations omitted).

With regard to the second element of collateral estoppel, the Pennsylvania Superior Court found “[b]y failing to appeal the 1979 Orders, the finality of the determination of paternity has been decided on the merits.” *Id.* at 303 (Emphasis added). For the third element, the Superior Court found “[the] third requirement of estoppel of identity of parties is readily met in this case because appellee was a willful party to the 1979 Orders.” *Id.* Finally, the Superior Court found the fourth element was satisfied as well, stating “Appellee’s failure to object to paternity at that time does not negate the full and fair opportunity to litigate that was present. Appellee has not and can not raise any claim to fraud in this matter.” *Id.* Accordingly, the Superior Court reached the following holding with regard to the collateral estoppel claim: “From this we find appellee is estopped from raising the issue of appellant’s paternity.” *Id.*

In the instant case, the doctrine of res judicata was appropriately raised at trial by Attorney Patrick Kelley for Appellee. *See Tr.* at 9. All four elements of res judicata are met here with regards to Appellant’s alcohol and OCY allegations:

- (1) Issues of Appellee’s alleged alcohol use and treatment, a criminal charge, and Office of Children and Youth investigations based on the same facts were all previously adjudicated on May 10, 2021, and on September 29, 2021; *See Pet. For Contempt of Custody Order dated March 8, 2021; see Order dated May 10, 2021; see Pet. For Special Relief dated July 14, 2021; see Order dated September 29, 2021.*
- (2) The causes of action alleged by Appellant in his December 8, 2021, Petition for Contempt of Custody and the subsequent January 11, 2022, hearing were previously adjudicated before another trial judge on May 10, 2021, and September 29, 2021;
- (3) All parties involved in the January 11, 2022, custody contempt hearing are the same parties involved in the May 10, 2021, custody contempt hearing and the September 29, 2021, special relief hearing; and
- (4) In this January 11, 2022, custody contempt hearing, Appellant and Appellee are of the same quality and capacity as each were in the prior May 10, 2021, and September 29, 2021, proceedings.

Therefore, since all four elements of res judicata are satisfied, the doctrine of res judicata bars Appellant from re-litigating here the same issues already previously adjudicated at prior hearings.

Appellant’s allegations are also barred under the doctrine of collateral estoppel. First, Appellant’s issues at the January 11, 2022, contempt hearing were Appellee’s alcohol use and treatment, criminal charge, and Office of Children and Youth involvement. All of these issues were previously adjudicated in the earlier May 10, 2021, and September 29, 2021, hearings.

Second, there was a final judgment on the merits. As stated in *Coburn*, a failure to appeal Orders creates a final determination on the merits. *Coburn* at 303. Like the appellee in *Coburn*, Appellant in the instant case had the ability to appeal both the May 10, 2021, Order and the September 29, 2021, Order. Appellant’s choice not to appeal timely said Orders therefore resulted in final determinations on the merits of the aforementioned identical issues considered in those Orders.

Third, Appellant is clearly the party the doctrine is being asserted against, and this Record reflects Appellant is the party who previously brought the same issues in the prior hearings. Fourth, Appellant did have a full and fair opportunity to litigate these identical claims at both of these prior proceedings. Appellant was served proper notice of the times of his hearings, and had the full ability to present evidence and litigate his claims at each of those prior hearings if he had chosen to do so.

The fifth element, less commonly applied, also weighs in favor of the applicability of collateral estoppel. Appellant’s alleged alcohol use, alleged criminal charge of child endangerment, alleged unfitness to parent, and alleged Office of Children and Youth involvement were all previously addressed in the Special Relief hearing on September 29, 2021. In order to decide whether to grant Appellant’s Petition for Special Relief, the prior Court evaluated the credibility of all these claims, allegations, and issues, and disposed of these issues fully before reaching its decision. Said consideration is clearly reflected in Judge Kelly’s September 29, 2021, Order. Thus, the fifth element of collateral estoppel is also satisfied in the instant case.

C. Response to Appellant’s Itemized Comments and Complaints on Appeal

“Claims not raised in the trial court may not be raised for the first time on appeal.” *Circle K, Inc. v. Webster Trustee of Webster Irrevocable Grantor Trust*, 256 A.3d 461, 464

(Pa. Super. 2021); *see also Jahanshahi v. Centura Development Co., Inc.*, 816 A.2d 1179, 1189 (Pa. Super. 2003); *see also* Pa.R.A.P. 302(a) (“Issues not raised in the lower court are waived and cannot be raised for the first time on appeal.”).

In the instant case, Appellant failed to preserve any of the largely nonsensical and borderline illegible comments and complaints he lists in his unlabeled, improperly submitted Concise Statement of Issues. The only objections raised by Appellant at the Contempt hearing were clearly and facially improper. *See Tr.* at 6, 10. After being corrected by this Trial Court and having his improper objections overruled, Appellant even offered an apology to this Trial Court for interrupting Appellee’s testimony. *See Tr.* at 12. Therefore, Appellant has waived the complaints and comments submitted improperly in Appellant’s unlabeled Concise Statement of Issues. However, assuming *arguendo* Appellant’s comments and complaints were preserved, this Trial Court will attempt to respond to the varied list of comments and complaints contained within Appellant’s Notice of Appeal.

1. *The current Custody Order requires no party drink alcohol for any reason.*

The underlying allegation to this comment is without merit. Contrary to Appellant’s bald-faced claims, Appellee credibly stated she is currently undergoing alcohol treatment through intensive outpatient care, as evidenced by the Record. Moreover, Appellee credibly stated under oath she has not consumed alcohol since beginning her treatment. Appellant offered no evidence to the contrary before or during the trial. On appeal, his improperly submitted evidence still only refers to alcohol consumption in 2018 and 2020, both of which occurred before the October 30, 2020, Custody Order and before Appellee began treatment, and both of which have been fully addressed previously by Judge Elizabeth Kelly in her past Orders dated May 10, 2021, and September 29, 2021.

2. *Appellant claims Appellee admitted under oath she was abusing quantities of alcohol while “in the care of” their Minor Child.*

This comment is very inaccurate, as evidenced by the Record. No such testimony as described by Appellant was given by Appellee during the January 11, 2022, Contempt hearing. To the contrary, Appellee credibly testified she has remained sober since beginning her alcohol treatment. While Appellee did credibly and candidly admit to having an alcohol abuse problem which she is addressing, she is already receiving intensive treatment for this. Moreover, this issue was already disposed of by Judge Elizabeth Kelly in the September 29, 2021, Special Relief hearing.

3. *Appellant claims Appellee gave alleged false testimony as to the nature of crime involved regarding Appellee’s disorderly conduct plea that was originally filed as endangering the welfare of a child.*

To the contrary, Appellee gave no false testimony. With her counsel present, Appellee credibly testified she pled guilty to Disorderly Conduct. This plea was corroborated by Appellee’s counsel Attorney Patrick Kelley. Appellant offered no evidence at this custody contempt hearing to contradict Appellee’s testimony, only his own testimony to the contrary. Moreover, this was a contempt proceeding, not a custody modification trial. The only concerns within the scope of this hearing were whether Appellee had any new or ongoing violations of the October 30, 2020, Custody Order not previously addressed at the May 10, 2021, contempt proceeding or in the September 29, 2021, special relief hearing. Appellant failed to prove Appellee committed any violations, and Appellant failed to provide and properly

submit any exhibits or other evidence at the instant hearing.

4. *Appellant tries to construe a nonsensical argument for direct contempt against Appellee.*

Appellant’s claim is both untrue and a mischaracterization of the law. As discussed above, a finding of direct contempt is a finding that one party committed an act or failed to perform an act that was ordered by the court, in the presence of the court. It is also a finding of criminal contempt. Appellee made no such act or failure to act at the hearing. Appellee was sober at her hearing, and credibly stated how she is effectively and earnestly participating in ongoing intensive outpatient treatment. Moreover, Appellant’s underlying allegations date to 2018 and 2020, both of which pre-date the October 30, 2020, Custody Order, and both of which were previously disposed of in the May 10, 2021, contempt proceeding and the September 29, 2021, special relief hearing. After addressing these allegations in full during said proceedings, Judge Elizabeth Kelly issued Court Orders denying Appellant’s March 8, 2021, Contempt Petition and Appellant’s July 14, 2021, Petition for Special Relief.

Therefore, Appellant has failed to prove or even allege any current or ongoing contempt of the October 30, 2021, Custody Order, and the allegations underlying this comment are precluded from re-litigation under the doctrines of *res judicata* and collateral estoppel.

5. *and 8. Appellant for the first time, without any substantiation, knowing this Trial Court’s decision denying his Petition for Contempt relief, enters now a guised request for recusal for another attempted opportunity to persuade another trial judge despite appellate review pending by the Superior Court.*

First, Appellant raised no objection at the hearing or prior to this hearing about the undersigned judge presiding over this Contempt hearing.

Second, and contrary to Appellant’s assertions, this Trial Court properly concluded there was not sufficient evidence to support a finding of contempt against Appellee. Appellant now desires another trial judge be assigned so he can have another attempt to persuade another trial judge of the alleged worthiness of his petition despite his appeal to have appellate court review in the instant case.

6. *and 7. Appellant improperly attaches alleged copies and requests of confidential OCY reports and OCY Child line Abuse Registry that were neither properly authenticated nor admitted into the Record by this Trial court in the instant case.*

Appellant presented no copies of these reports to this Trial Court at the instant hearing and no copies to the opposing party. Moreover, these alleged incident reports are from 2018 and 2020. Both of these incidents were fully considered and disposed of at Appellant’s prior two hearings with Judge Kelly. As explained at length above, the doctrines of *res judicata* and collateral estoppel preclude re-litigation of these issues.

Wherefore, all of Appellant’s *pro se* issues, complaints and claims on appeal are without merit. This Trial court respectfully requests the Pennsylvania Superior Court affirm this Trial Court’s decision denying Appellant’s Petition for Contempt for all of the detailed reasons as specifically addressed above.

BY THE COURT

/s/ **Hon. Stephanie Domitrovich, Judge**

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BANKRUPTCY SALE NOTICE

In re: Joseph Martin Thomas
Chapter 11 Bankruptcy Case
No. 20-10334 TPA

NOTICE OF HEARING ON JOINT MOTION FOR PUBLIC AUCTION SALE OF PERSONAL PROPERTY FREE AND DIVESTED OF LIENS: NOTICE IS HEREBY GIVEN THAT the Debtor in the above-referenced Bankruptcy has filed a **Joint Motion for Public Auction Sale of Personal Property Free and Divested of Liens** seeking approval to conduct an auction sale or sales of the following items of personal property: 1) **approximately 150 items of household furnishings;** 2) **approximately 500 pieces of artwork, prints, sketches, etc.;** 3) **dozens of items of decorative art and/or antiques;** and 4) **substantially all other personal property formerly located in the Debtor's former residence and office** according to the terms set forth in the Motion. The property described above will be sold to the highest bidder, piecemeal or in bulk, **on a date subsequent to an order being entered approving the within Sale Motion, currently projected to be in or around**

April of 2022, via live and online auction by United Auctions & Antique Purchasing and Schultz Auctioneers. Potential bidders will be able to participate live, in person, and/or online by registering via www.schultzauctioneers.com and/or www.liveauctioneers.com. Updates regarding the date(s) and time(s) of the auction can be found at Schultzauctioneers.net and/or Auctionzip.com (United Auctions ID#1731). **All property is to be sold AS IS to the high bidder.**

A **Zoom Video Conference Hearing** on permission to conduct the auction sale(s) as described herein is scheduled for **March 24, 2022 at 11:30 a.m.** before Judge Thomas P. Agresti via the **Zoom Video Conference Application ("Zoom")**, at which time **Objections to said sale will be heard.** To participate in and join a Zoom Hearing, please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16021303488>, or alternatively, you may use the following: Meeting ID: 160 2130 3488. **All attorneys and Parties may only appear by Zoom** and must comply with Judge Agresti's **Updated Notice of Temporary**

Modification of Appearance Procedures, dated and effective November 22, 2021, and continued until further order, which can be found on the Court's Website at <https://www.pawb.uscourts.gov/content/judge-thomas-p-agresti>. Under the current COVID-19 circumstances, the general public may appear telephonically if unable to do so via the Internet. When the need to appear telephonically arises, members of the general public should immediately contact Michael P. Kruszewski, Esquire to learn how to make telephonic arrangements. Examination of the property can be obtained by contacting the attorney for the Debtor, listed below. Further information regarding this sale may be found on the Court's EASI Website: <http://www.pawb.uscourts.gov/easi.htm>.

Attorney for Movant/Applicant
Michael P. Kruszewski, Esquire
Quinn, Buseck, Leemhuis, Toohey
& Kroto, Inc.
2222 West Grandview Blvd.
Erie, Pennsylvania 16506
(814) 833-2222
PA ID#91239

Mar. 4



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CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 10438-2022. Notice is hereby given that, on February 24, 2022, the Petition of Amelia Elizabeth Mason was filed in the Erie County Court of Common Pleas, requesting an order to change her name to Amelia Elizabeth Weber. The Court has fixed the day of April 12, 2022 at 3:15 p.m. in Courtroom G, Room 222, of the Erie County Courthouse, Erie, Pennsylvania as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

Mar. 4

DISSOLUTION NOTICE

TO ALL CREDITORS OF Collier Enterprises, Inc.:

This is to notify you that Collier Enterprises, Inc., a Pennsylvania corporation with its registered office located at 65 West Columbus Avenue, Corry, PA 16407, is dissolving and winding up its business under the provisions of the Business Corporation Law of 1988, as amended.

Gery T. Nietupski, Esquire
Nietupski Angelone, LLC
818 State Street
Erie, PA 16501

Mar. 4

LEGAL NOTICE

ATTENTION: UNKNOWN BIOLOGICAL FATHER INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD E.E.L.: DOB: 09/28/2018 BORN TO: EVAUNNA IRENE LASANTA 7B IN ADOPTION 2022

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, Judge Erin

Connelly Marucci, Courtroom No. D-214, City of Erie on May 27, 2022 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/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) 451-6688, or contact your adoption attorney, if you have one.

Mar. 4

LEGAL NOTICE

ATTENTION: VICTORIA ELIZABETH NICOLE JONES INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD A.M.-L.O. DOB: 06/30/2021

1 IN ADOPTION, 2022 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, Judge Erin Connelly Marucci, Courtroom D #214, City of Erie on March 21, 2022 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) 451-6688, or contact your adoption attorney, if you have one.

Mar. 4

LEGAL NOTICE

ATTENTION: ARTHUR LEE OWENS, III INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILD A.M.-L.O. DOB: 06/30/2021

BORN TO: VICTORIA ELIZABETH NICOLE JONES 1 IN ADOPTION, 2022 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, Judge Erin Connelly Marucci, Courtroom D #214, City of Erie on March 21, 2022 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) 451-6688, or contact your adoption attorney, if you have one.

Mar. 4

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

Trial Division, Civil Action No. 12488 – 2021

Cassandra Angelotti, Plaintiff v.

James H. Zank, Defendant

Names of the Parties: Plaintiff, Cassandra Angelotti, Defendant, James H. Zank

Nature of the Action: Personal Injury and Punitive Damages from a Motor Vehicle Accident on November 22, 2019; Writ of Summons Issued November 16, 2021

TO: JAMES H. ZANK: NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

Alan Natalie, Esquire
Attorney for Plaintiff
PA I.D. #55847
504 State Street, Suite 300
Erie, Pennsylvania 16501
Tel. (814) 455-7467
Fax (814) 459-2257

Email anatalie@natalielawfirm.net

Mar. 4

LEGAL NOTICE

Notice is hereby given that any individuals, who have had weapons confiscated from January 1, 2018, through December 31, 2018, by Court Order from Protection from Abuse Order have thirty (30) days from the date of this publication to respond in person to take possession of their weapons.

The Sheriff will dispose of all unclaimed weapons after thirty (30) days of the date of said notice.

Sheriff Chris D. Campanelli

Feb. 25 and Mar. 4, 11

SHERIFF SALES

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

**MARCH 18, 2022
AT 10 A.M.**

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

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

Chris D. Campanelli
Sheriff of Erie County

Feb. 25 and Mar. 4, 11

SALE NO. 1

**Ex. #12474 of 2021
HAVACO TECHNOLOGIES, INC.
by assignment from JOSEPH J. PRISCHAK, Plaintiff**

v.

**TETRA TOOL COMPANY
and THE UNITED STATES OF AMERICA, Defendants**

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12474-2021, Havaco Technologies, Inc. by assignment from Joseph J. Prischak vs. Tetra Tool Company and The United States of America
Tetra Tool Company, owner of property situated in Millcreek Township, Erie County, Pennsylvania being 1425 Industrial

Drive, Erie, Pennsylvania 16505
0.9979 acres
Assessment Map Number:
(33) 33-191-7
Assessed Value Figure: \$414,600.00
Improvement Thereon: Industrial Warehouses
John J. Mehler
Pa. Supreme Court ID No. 46669
Nicholas R. Pagliari
Pa. Supreme Court ID No. 87877
MacDONALD, ILLIG, JONES & BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7754
Attorneys for Plaintiff
Havaco Technologies, Inc. by assignment from Joseph J. Prishak
Feb. 25 and Mar. 4, 11

SALE NO. 2

Ex. #11957 of 2020

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET INVESTMENT LOAN TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-BC2,

Plaintiff

v.

**STEVEN RONTO II;
SUSAN M. RONTO,**

Defendant(s)

DESCRIPTION

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN FRANKLIN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 10506 MOHAWK ROAD, CRANESVILLE, PA 16410
BEING PARCEL NUMBER: 22-007-027.0-004.01
IMPROVEMENTS: RESIDENTIAL PROPERTY
Robertson, Anschutz, Schneid, Crane & Partners, PLLC
A Florida Limited Liability Company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855) 225-6906

Attorneys for Plaintiff
Robert Flacco, Esquire
Id. No. 325024
Feb. 25 and Mar. 4, 11

SALE NO. 3

Ex. #11595 of 2019

**Community Loan Servicing, LLC
f/k/a Bayview Loan Servicing, LLC, Plaintiff**

v.

Robert B. Horn, III, Tina Tanner, Unknown Heirs, Successors, Assigns and All Persons, Firms, or Associations Claiming Right, Title, or Interest from or Under Robert B. Horn, Jr., Deceased,

Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 11595-19, Community Loan Servicing, LLC f/k/a Bayview Loan Servicing, LLC vs. Robert B. Horn, III, Tina Tanner, Unknown Heirs, Successors, Assigns and All Persons, Firms, or Associations Claiming Right, Title, or Interest from or Under Robert B. Horn, Jr., Deceased, owners of property situated in Erie City, Erie County, Pennsylvania being 1580 Kuntz Rd., Erie, PA, 16509
Assessment Map number:
(33) 166-617-12
Assessed Value figure: \$103,500.00
Improvement thereon: Residential Dwelling
Milstead & Associates, LLC
Lorraine Gazzara Doyle, Esquire
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400

Feb. 25 and Mar. 4, 11

SALE NO. 4

Ex. #12271 of 2021

FIRST NATIONAL BANK OF PENNSYLVANIA, Plaintiff

v.

ALLEN J. HERRINGTON, Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 12271-21, FIRST NATIONAL BANK OF PENNSYLVANIA vs. ALLEN J. HERRINGTON, owner of property situated in the City of Erie, Erie County, Pennsylvania being known

as 1716 West 14th Street, Erie, PA 16505.
Acreage: 0.0472
Tax Index Parcel No. (16) 3107-405
Assessed Value figure: \$32,700.00 (Land & Building)
Improvement thereon: Residential Two-story frame dwelling.
FIRST NATIONAL BANK OF PENNSYLVANIA
David W. Raphael, Esquire
Attorney for First National Bank of Pennsylvania
100 Federal Street - 4th Floor
Pittsburgh, PA 15212
412-465-9718

Feb. 25 and Mar. 4, 11

SALE NO. 5

Ex. #13288 of 2018

PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff

v.

**MICHELE D. PRIESTER, Defendant
DESCRIPTION**

By virtue of a Writ of Execution No. 2018-13288, PENNSYLVANIA HOUSING FINANCE AGENCY,

Plaintiff vs. MICHELE D. PRIESTER, Defendant
Real Estate: 308 LAKE CLIFF DRIVE, ERIE, PA 16511
Municipality: Township of Lawrence
Erie County, Pennsylvania
Dimensions: 90 x 107 x 151.9
Deed Book/Inst#: 2011-000252
Tax I.D. (29) 6-11-14
Assessment: \$20,600 (Land)
\$69,690 (Bldg)
Improvement thereon: a residential dwelling house as identified above
Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

Feb. 25 and Mar. 4, 11

SALE NO. 6

Ex. #13453 of 2019

MID AMERICA MORTGAGE, INC., Plaintiff

v.

ZACHARY S. BOSWELL AND JESSICA M. BOSWELL, Defendants

DESCRIPTION

By virtue of a Writ of Execution filed to No. 13453-2019, MID AMERICA MORTGAGE, INC. vs. Zachary S. Boswell and Jessica M. Boswell, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 1726 West 25th Street, Erie, Pennsylvania 16502
1,932 Square Feet / .2016 Acreage
Assessment Map number: n/a
Assessed Value figure: \$18,800.00
Improvement thereon: \$80,000.00
Elizabeth Dranttel
Senior Managing Litigation Attorney
Rose L. Brand & Associates, P.C.
7430 Washington Street NE
Albuquerque, NM 87109
(505) 833-3036 - Office
Elizabeth.Dranttel@roselbrand.com
Feb. 25 and Mar. 4, 11

BUSINESS PARTNER



MALONEY, REED, SCARPITTI & COMPANY, LLP

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3703 West 26th St.
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814/833-8545

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

Joseph P. Maloney, CPA, CFE

Rick L. Clayton, CPA • Christopher A. Elwell, CPA • Ryan Garofalo, CPA

Confidential inquiries by phone or email to mrsinfo@mrs-co.com.

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

ANDERSON, BARBARA L., deceased

Late of the Township of Wayne, County of Erie, Pennsylvania
Executor: Douglas H. Anderson, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

BAKER, WANDA J., deceased

Late of the City of Corry, County of Erie, Pennsylvania
Executor: John M. Baker, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

DOMBKOWSKI, DOLORES M., deceased

Late of the City of Erie, County of Erie
Executor: Justin W. Dombkowski, 4220 French Street, Erie, PA 16504
Attorney: Kari A. Froess, Esquire, Carney & Good, 254 West 6th Street, Erie, PA 16507

FITZGERALD, SALLY J., a/k/a SALLY FITZGERALD, a/k/a SALLY WATT FITZGERALD, a/k/a SALLY J. WATT FITZGERALD, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Susan J. Presti, 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

GENIS, KATHLEEN L., deceased

Late of the City of Erie, County of Erie
Executor: Charles J. Spilko, 1156 West 6th Street, Erie, PA 16507
Attorney: Michael S. Butler, Esq., Heritage Elder Law, 318 South Main Street, Butler, PA 16001

GESLER, ALBERT U., JR., a/k/a ALBERT URBAN GESLER, JR., a/k/a REV. ALBERT URBAN GESLER, JR., a/k/a ALBERT J. GESLER, JR., a/k/a REV. ALBERT U. GESLER, a/k/a ALBERT U. GESLER, deceased

Late of Lawrence Park Township, County of Erie, Commonwealth of Pennsylvania
Executor: Albert U. Gesler, III, 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

HOUGH, DONALD E., a/k/a DONALD HOUGH, deceased

Late of the Township of Conneaut, County of Erie, Commonwealth of Pennsylvania
Co-executors: Debra L. Feldmiller, 75 Market Street, Albion, PA 16401 and Daniel E. Hough, 10898 State Road, Albion, PA 16401
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

JOHNSON, ELLEN MAY, a/k/a ELLEN M. JOHNSON, a/k/a ELLEN JOHNSON, deceased

Late of the Township of Springfield, County of Erie and Commonwealth of Pennsylvania
Executor: James E. Johnson, c/o James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504
Attorney: James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504

JOHNSON, TIMOTHY E., deceased

Late of the City of Erie, County of Erie, Pennsylvania
Administrator: Michael A. Goodard, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506
Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

KOVACS, JANOS, a/k/a JOHN KOVACS, deceased

Late of Millcreek Township, County of Erie, Pennsylvania
Executrix: Kristen Costa, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507
Attorney: Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

KRIEBEL, KENNETH R., deceased

Late of Greene Township, Erie County
Executrix: Sandra L. Kriebel
Attorney: Steven E. George, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

LAUGHNER, ELIZABETH, deceased

Late of Millcreek Township, County of Erie, Pennsylvania
Executrix: Kathleen A. Hart, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507
Attorney: Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

O'NEILL, BETTY J., deceased

Late of the City of Erie, Erie County, Pennsylvania
Executrix: Jane A. Campbell, 25591 Plank Rd., PO Box 184, Cambridge Springs, PA 16403
Attorney: John C. Swick, Esq., Shafer Law Firm, P.C., 890 Market St., Meadville, PA 16335

PITONYAK, FAY M., a/k/a FAY MARY PITONYAK, a/k/a FAY PITONYAK, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Rosemary L. Nicosia, c/o James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504
Attorney: James A. Pitonyak, Esquire, 2618 Parade Street, Erie, PA 16504

POLAK, KATHRYN ANN, a/k/a KATHRYN A. POLAK, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executor: Robert L. Douglas, c/o 100 State Street, Suite 700, Erie, PA 16507-1459
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

RETTAN, LINDA M., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: Timothy Rettan, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg, Jr., Esq., MARSH SCHAFF, LLP, Suite 300, 300 State Street, Erie, PA 16507

SIMPSON, TRACY A., a/k/a TRACY SIMPSON, deceased

Late of Waterford Township, County of Erie and Commonwealth of Pennsylvania
Administrator: Alec J. Simpson, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

TROHOSKE, ROBERT J., a/k/a ROBERT J. TROHOSKE, JR., deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Administratrix c.t.a.: Emilie A. Swan, 100 State Street, Suite 700, Erie, PA 16507-1459
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

VAYDANICH, ANNETTE CARMELLA, a/k/a ANNETTE C. VAYDANICH, a/k/a ANNETTE VAYDANICH, deceased

Late of the Township of Millcreek, Commonwealth of Pennsylvania
Executor: David M. Vaydanich, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509
Attorney: James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

WOODLEY, JOYCE M., a/k/a JOYCE WOODLEY, deceased

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania
Administrator: Chris A. Hunt, 91 East Townhall Road, Waterford, PA 16441
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

SECOND PUBLICATION

BARDOL, KARIN A., a/k/a KARIN ANN BARDOL, a/k/a KARIN BARDOL, deceased

Late of the Borough of North East, County of Erie, Commonwealth of Pennsylvania
Administrator: Richard J. Bardol, c/o 337 West 10th Street, Erie, PA 16502
Attorneys: THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

BAUMANN, MARY FRANCES, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Colleen R. Stumpf, 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

BRETER, STACY R., deceased

Late of the Borough of North East, County of Erie and Commonwealth of Pennsylvania
Executrix: Tamara Walters
Attorney: Craig A. Zonna, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**CONSIDINE, JOHN W.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Catherine L. Stemmler, 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

**JEFFERYS, FRANCIS M.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administratrix: Eileen E. Jefferys, 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

**KEITH, DIANE KAREN, a/k/a
DIANE K. KEITH, a/k/a
DIANE KEITH,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administratrix: Marilyn K. Hunt, 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

**KRIEGER, FLORENCE M.,
deceased**

Late of the Borough of Wesleyville, County of Erie, Commonwealth of Pennsylvania
Executrix: Evelyn K. Eimers, 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

**LASHER, RUSSELL D.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Jeffery L. Nearhoof, 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

**McADOO, HELEN L., a/k/a
HELEN K. McADOO, a/k/a
HELEN McADOO,
deceased**

Late of the Borough of Albion, County of Erie, Commonwealth of Pennsylvania
Co-executrices: Linda L. Gray, 7485 N 100 W, Uniondale, IN 46791 and Nancy J. Dworakowski, 11477 West Road, Albion, PA 16401
Attorney: John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**MIACZYNSKI, SHIRLEY J.,
a/k/a SHIRLEY MIACZYNSKI,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Joseph S. Miaczynski
Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**PAINTER, DOUGLAS P., a/k/a
DOUGLAS PARKER PAINTER,
deceased**

Late of Millcreek Township, Erie County, PA
Executrix: Joann D. Painter, c/o Jerome C. Wegley, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**PILLAR, GARY N.,
deceased**

Late of Summit Township, Erie County, Pennsylvania
Co-administratrices: Jennifer M. Lance and Casandra E. Pillar, c/o 502 Parade Street, Erie, PA 16507
Attorney: Gregory L. Heidt, Esquire, 502 Parade Street, Erie, PA 16507

**SCHNEIDMILLER,
EVELYN M., a/k/a
EVELYN SCHNEIDMILLER,
a/k/a EVELYN KOMOREK
SCHNEIDMILLER,
deceased**

Late of Millcreek Township, Erie County
Executrix: Kathi A. Gourley
Attorney: Norman A. Stark, Esq., Marsh Schaaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**SHADE, AUDREY L., a/k/a
AUDREY SHADE,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administrator: James J. Sansone, 3736 Montrose Avenue, Erie, PA 16505
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SHAFER, CAROL ANN, a/k/a
CAROL A. SHAFER, a/k/a
CAROL SHAFER,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Co-administratrices: Theresa Farley and Louann G. Williams, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**STACK, STEPHEN S., a/k/a
STEPHEN STASENKO STACK,
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania
Administrator C.T.A.: Amy A. Dugdale, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**SUBEDI, RABIN,
deceased**

Late of 5758 Mill Street, Erie, PA 16509
Administrator: Devi Subedi, c/o Melaragno, Placidi & Parini, 502 West Seventh Street, Erie, PA 16502
Attorney: Gregory Grasinger, Esquire, Melaragno, Placidi & Parini, 502 West Seventh Street, Erie, PA 16502

**YERKEY, BRENDA A.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Michael F. Gallager, 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

**ADAMECK, FLORENCE R.,
a/k/a FLORENCE ADAMECK,
deceased**

Late of the City of Erie, Harborcreek Township, County of Erie and Commonwealth of Pennsylvania
Co-executors: Karen A. Wykoff, 4111 Dominion Drive, Erie, PA 16510, Joanne A. Fournier, 2390 Depot Road, Harborcreek, PA 16421 and Joseph J. Adameck, 10104 Plum Road, Wattsburg, PA 16442
Attorney: None

**ALBERICO, MARCO M., a/k/a
MARCO ALBERICO,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Phyllis M. Herbstritt, 2071 Embarcadero Way, North Fort Myers, FL 33917
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**CONNEELY, JOYCE BLACK,
a/k/a JOYCE B. CONNEELY,
a/k/a JOYCE CONNEELY,
deceased**

Late of Lawrence Park Township, County of Erie
Executrix: 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

**DENIZIAK, HELEN JEAN, a/k/a
HELEN J. DENIZIAK, a/k/a
HELEN DENIZIAK,
deceased**

Late of Erie County
Executor: Michael Deniziak, 2914 Washington Avenue, Erie, PA 16508
Attorney: David J. Mack, Esquire, 510 Parade Street, Erie, PA 16507

**ENGLISH, ELLEN V.,
deceased**

Late of Conneaut Township
Administrator: Carl M. English, c/o Brenc Law, 9630 Moses Road, Springboro, Pennsylvania 16435
Attorney: Andrew S. Brenc, Esquire, 9630 Moses Road, Springboro, Pennsylvania 16435

**HAMBLIN, RUSSELL NEIL,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Sheila Jean Doolittle
Attorney: Deanna L. Heasley, Esq., 333 State Street, Suite 203, Erie, PA 16507

**HANAS, JOHN R., a/k/a
JOHN ROBERT HANAS,
deceased**

Late of LeBoeuf Township, Erie County, PA
Executor: Kellie R. Hanas, 250 Conneauttee Road, Waterford, PA 16441
Attorney: Lisa Pepicelli Youngs, Esq., Pepicelli, Youngs and Youngs PC, 363 Chestnut Street, Meadville, PA 16335

**HAUK, LEITHA J.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executor: Michael E. Hauk, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg, Jr., Esq., MARSH SCHAAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**HUGHES, WALTER THOMAS,
a/k/a WALTER C. HUGHES,
deceased**

Late of Harborcreek Township
Administratrix: Sandra T. Hughes
Attorney: Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16506

**JASKIEWICZ, JOAN,
deceased**

Late of the City of Erie
Executor: Vincent Jaskiewicz
Attorney: Andrew J. Sisinni,
Esquire, 1314 Griswold Plaza,
Erie, PA 16501

**KALUZNY, EDWARD H., a/k/a
EDWARD HENRY KALUZNY,
a/k/a EDWARD KALUZNY, a/k/a
ED KALUZNY,
deceased**

Late of the Township of Millcreek,
County of Erie and Commonwealth of
Pennsylvania
Co-administrators: Michael E.
Kaluzny and Jessica B. Kaluzny,
c/o 504 State Street, 3rd Floor,
Erie, PA 16501
Attorney: Michael J. Nies, Esquire,
504 State Street, 3rd Floor, Erie,
PA 16501

**KATSIKES, JOHN AGGELOS,
a/k/a JOHN E. KATSIKES, a/k/a
JOHN A. KATSIKES, a/k/a
JOHN KATSIKES,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executor: Dean Katsikes,
1216 Polk Street, Charlotte, NC
28206
Attorney: None

**KLEIN, JOAN M.,
deceased**

Late of the Township of
Lawrence Park, County of Erie,
Commonwealth of Pennsylvania
Executor: Christopher J. Klein,
c/o Steven Srnka, Esquire, Orton &
Orton, LLC, 68 East Main Street,
North East, PA 16428
Attorney: Steven Srnka, Esquire,
Orton & Orton, LLC, 68 East Main
Street, North East, PA 16428

**KONKOL, THOMAS,
deceased**

Late of the City of Erie
Executor: Paul Konkol,
1316 Hardscrabble Drive, Erie,
PA 16505
Attorney: David J. Mack, Esquire,
510 Parade Street, Erie, PA 16507

**LUCIANO, JAMES A., a/k/a
JAMES ANTHONY LUCIANO,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Administratrix: Patricia A.
Luciano, 1727 West 31st Street,
Erie, PA 16508
Attorney: Valerie H. Kuntz, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**MARTIN, PAUL R.,
deceased**

Late of Wayne Township, County
of Erie, Commonwealth of
Pennsylvania
Administrator: Noble Martin,
c/o Joan M. Fairchild, Esq.,
132 North Center Street, Corry,
Pennsylvania 16407
Attorney: Joan M. Fairchild, Esq.,
132 North Center Street, Corry,
Pennsylvania 16407

**MERCIER, LUELLA A., a/k/a
LUELLA ANONA MERCIER,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-executors: Douglas R. Mercier
and Joan E. Belitsky
Attorney: David J. Rhodes,
Esquire, ELDERKIN LAW FIRM,
456 West 6th Street, Erie, PA
16507

**NISHNICK, DONNA M.,
deceased**

Late of Harborcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executor: James M. Tromans,
c/o Eugene C. Sundberg, Jr., Esq.,
Suite 300, 300 State Street, Erie,
PA 16507
Attorney: Eugene C. Sundberg, Jr.,
Esq., MARSH SCHAAF, LLP,
Suite 300, 300 State Street, Erie,
PA 16507

**POPE, TRINA MARIE,
deceased**

Late of the City of Erie
Administrator: Jamal Moffatt
Attorney: Andrew J. Sisinni,
Esquire, 1314 Griswold Plaza,
Erie, PA 16501

**PRUSAK, JAMES MICHAEL,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Teresa L. Pratt,
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

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

Late of the Township of Fairview,
County of Erie, Commonwealth of
Pennsylvania
Executrix: Karen S. Agens,
415 Main Street East, Apt. 107,
Girard, PA 16417
Attorney: John M. Bartlett, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**STEWART, JOAN M., a/k/a
JOAN STEWART,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Sharon L. Knoll,
955 Persimmon Court, Fairview,
PA 16415
Attorney: Valerie H. Kuntz, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**THOMPSON, IRENE J., a/k/a
IRENE THOMPSON, a/k/a
IRENE J. NOVEL GOODMAN
THOMPSON,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executor: Gary D. Goodman,
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

**TOME, OLGA K., a/k/a
OLGA KATHLEEN TOME, a/k/a
OLGA TOME,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Executor: John M. Tome,
1714 Garloch Drive, Erie, PA
16505
Attorney: Grant M. Yochim, Esq.,
24 Main St. E., P.O. Box 87,
Girard, PA 16417

**WALKER, JEAN C., a/k/a
JEAN WALKER,
deceased**

Late of Millcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Co-administrators: Keri A. Walker
and Patrick J. Walker, c/o 504 State
Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire,
504 State Street, Suite 300, Erie,
PA 16501

**WALLACE, VALERIE C., a/k/a
VALERIE WALLACE,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Administrator C.T.A.: Robert A
Wallace, c/o 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

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WEEKLY WRAP-UP

March 4, 2022

Animal cruelty can qualify as domestic violence, state supreme court says - An animal cruelty conviction for beating and killing an intimate partner's dog can qualify for a domestic violence designation under Washington law, the Washington Supreme Court has ruled. The state supreme court ruled Feb. 17 in a case against Charmarke Abdi-Issa, who was accused of beating and killing his girlfriend's dog, Mona. When a case has a domestic violence designation in Washington, it receives priority scheduling and can result in a pretrial no-contact order. Judges can also impose specialized no-contact orders at sentencing that can constitute a separate crime if there is a violation. Although animal cruelty isn't listed in the domestic violence statute, it is sufficiently similar to listed crimes that the trial judge was permitted to ask jurors to decide whether it was a crime of domestic violence, the state supreme court said. Read more ... <https://www.abajournal.com/news/article/animal-cruelty-can-qualify-as-domestic-violence-state-supreme-court-says>

Time is money: a quick wage-hour tip on salaried nonexempt status - When it comes to paying office workers who do not qualify for an overtime exemption, businesses often look for ways to treat those workers as much like exempt personnel as possible, including by paying wages in the form of a salary rather than hourly pay. Salaried nonexempt status ordinarily starts with good motives, but it frequently ends with claims for unpaid overtime. Although paying overtime-eligible employees on a salary basis is a lawful, available option, it comes with significant risks that an employer must understand and navigate in order to pay these workers correctly. Read more ... <https://www.natlawreview.com/article/time-money-quick-wage-hour-tip-salaried-nonexempt-status>

Sherwin-Williams seeks vengeance, says its trade secrets were unveiled as a result of lawsuit - Sherwin-Williams wants a federal judge to sanction counsel for an Easton couple for the alleged dissemination of its confidential trade secrets, in the couple's lawsuit resulting from their use of one of the company's deck stainers, which supposedly caused a fire on their property. Scott Mains and Andrea Mains of Easton first filed a complaint on Jan. 7, 2020 in the U.S. District Court for the Eastern District of Pennsylvania against The Sherwin-Williams Co., of Cleveland, Ohio. The Mains claimed they purchased Sherwin-Williams' Thompson's WaterSeal Penetrating Timber Oil for their deck and placed application materials with the product left on it on the lawn next to the deck. They alleged that on Aug. 26, 2018, the application materials left on the lawn spontaneously caught on fire, causing extensive damage to the property. The Mains added the stain was defective and unreasonably dangerous, and that the product lacked adequate warnings and instructions. Sherwin-Williams asks this Court to enter a confidentiality and protective order to prevent non-party State Farm Fire and Casualty Insurance Company from obtaining confidential trade secrets and other proprietary information that Sherwin-Williams expects to produce in discovery. State Farm is a non-party subrogating insurer that has authorized plaintiffs to pursue claims against Sherwin-Williams to recoup monies paid by State Farm to plaintiffs following a fire that damaged the plaintiffs' home, the motion stated. Read more ... <https://pennrecord.com/stories/620997939-sherwin-williams-seeks-vengeance-says-its-trade-secrets-were-unveiled-as-a-result-of-lawsuit>

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