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# ERIE COUNTY LEGAL JOURNAL

OPINION  
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Harris, Individually and as Administratrix of the  
Estate of Zena Scott, Deceased v. St. Vincent Health Center, et al.

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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

### WEDNESDAY, FEBRUARY 16, 2022

Workers' Compensation Section Meeting  
Noon  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### THURSDAY, FEBRUARY 17, 2022

Law Day Committee Meeting  
Noon  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### FRIDAY, FEBRUARY 18, 2022

Bench Bar Committee Meeting  
Noon  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### FRIDAY, FEBRUARY 18, 2022

Wintertime in the Woods  
A socially-distanced, family-friendly event  
Asbury Woods Nature Center  
4105 Asbury Road, Erie  
*Click link for details*  
<https://www.eriebar.com/events/ecba-events/1716-wintertime-in-the-woods>

### MONDAY, FEBRUARY 21, 2022

President's Day  
ECBA Office Closed  
Erie County and Federal Courthouses closed

### TUESDAY, FEBRUARY 22, 2022

Solo/Small Firms Division Meeting  
Noon  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### WEDNESDAY, FEBRUARY 23, 2022

Women's Division Meeting  
Noon  
ECBA Headquarters in-person (must RSVP)  
or via Zoom

### THURSDAY, FEBRUARY 24, 2022

Defense Bar Section Meeting  
4:00 p.m.  
ECBA Headquarters live (must RSVP)  
or via Zoom

### MONDAY, FEBRUARY 28, 2022

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters live (must RSVP)  
or via Zoom

### TUESDAY, MARCH 1, 2022

PBA/ECBA Mock Trial District Final  
3:00 p.m.  
via Zoom

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

### 2022 BOARD OF DIRECTORS

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### CHERYL HARRIS, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF ZENA SCOTT, DECEASED

v.

### SAINT VINCENT HEALTH CENTER D/B/A SAINT VINCENT HOSPITAL AND/OR SAINT VINCENT HEALTH SYSTEMS, ET AL.

*PARENT AND CHILD / GUARDIAN AND WARD / INFANT /  
COMPROMISE, SETTLEMENT, AND RELEASE*

No action to which a minor is a party shall be compromised, settled or discontinued except after approval by the court pursuant to a petition presented by the guardian of the minor. Pa.R.C.P. 2039(a).

*PARENT AND CHILD / GUARDIAN AND WARD / INFANT /  
COMPROMISE, SETTLEMENT, AND RELEASE*

Court approval is necessary for the sole purpose of protecting the minor's rights.

*PARENT AND CHILD / GUARDIAN AND WARD / INFANT /  
COMPROMISE, SETTLEMENT, AND RELEASE*

The primary purpose of Pa.R.C.P.2039 is to prevent settlements which are unfair to minors, and to ensure that the minor receives the benefit of the money awarded.

*PARENT AND CHILD / GUARDIAN AND WARD / INFANT /  
COMPROMISE, SETTLEMENT, AND RELEASE*

In considering whether to approve the settlement of a minor's claim, the Court focuses on the best interests of the minor.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

Erie County No.: 13075-2016

PA SUPERIOR COURT

55 WDA 2022

Appearances: Cheryl Harris, pro se, Appellant  
Mark A. Hoffman, Esq., Appellee, counsel for Cheryl Harris and Estate of Zena Scott, Deceased  
Christopher C. Rulis, Esq., Appellee, counsel for Andrea T. Jeffress, M.D.  
John M. Quinn, Jr., Esq., Appellee, counsel for Saint Vincent Health Center  
David M. Chmiel, Esq., Appellee, counsel for Dr. Aung Pwint Lee, M.D.  
R. Kent Hornbrook, Esq., Appellee, counsel for Dr. Aung Pwint Lee, M.D.  
Latisha Bernard Schuenemann, Esq., counsel for Cheryl Harris for trust for Z'MS

### Pa.R.A.P. 1925(a) OPINION

DOMITROVICH, J.,

February 3, 2022

Despite consenting to the "Petition for Approval of Settlement and Allocation and Distribution of Settlement Proceeds in a Wrongful Death Action in which a Minor has an Interest Pursuant to PA.R.C.P. No. 2206 and Erie L.R. 2206" [hereinafter "Petition for

Approval of Settlement”], Appellant Harris filed a Notice of Appeal from the Order granting said Petition. Appellant Harris failed to properly serve this Trial Court with her Notice of Appeal, and she filed no Proof of Service indicating she served all counsel of record and the Trial Court. Moreover, Appellant Harris failed to file objections at the trial level to preserve any issues for Appeal. On January 7, 2022, she was directed to file a Concise Statement of Matters Complained of on Appeal within 21 days of the entry of the January 6, 2022, Court Order. However, Appellant Harris failed to comply with this Trial Court’s 1925(b) Order, never filing, submitting or serving any Concise Statement to the Trial Court and all counsel of record. Nevertheless, this Trial Court will address the overarching issue of approval of this Petition for Approval of Settlement:

Whether this Trial Court erred or abused its discretion by granting the Settlement Petition for two million dollars (\$2,000,000.00), after hearing argument from Appellant Harris and her counsel, where Appellant Harris consented orally and in writing, and where this Trial Court determined the proposed settlement properly benefits the Surviving Minor Child and is in his best interest?

### BACKGROUND

Appellant Harris is the duly appointed Administratrix of the Estate of Zena Scott and the biological mother of the Decedent, Zena Scott, her adult daughter [hereinafter Decedent]. Appellant Harris is the biological maternal grandmother of Decedent’s Minor Child Z’MS, and now by law also said Minor Child’s adoptive mother. *See Petition for Approval of Settlement* at p.2. As indicated in this Petition for Approval of Settlement, Decedent suffered intraoperative cardiac arrest while under general anesthesia at Saint Vincent Hospital on November 16, 2014, following the planned Cesarean section delivery of Z’MS. Said general anesthesia was claimed to have resulted in profound, catastrophic, and irreversible central nervous system injury to Decedent. *Id.* at para 7. Decedent passed away on November 30, 2015, due to complications arising from this injury. *Id.* at para. 8.

On January 23, 2017, Appellant Harris retained counsel and signed a Contingency Fee Agreement with her attorneys individually and on behalf of the Decedent’s estate, whereupon she agreed to pay 40% of any proceeds awarded in addition to her litigation costs and expenses. *See Plaintiff’s Exhibit M.* Appellant’s counsel subsequently filed suit against Saint Vincent Health Center, Saint Vincent Hospital d/b/a Saint Vincent Health Systems and/or Saint Vincent Health System, Andrea T. Jeffries, M.D. and Pwint Aung Lee, M.D., alleging wrongful death and medical negligence during the preoperative and intraoperative management of Decedent at and by Saint Vincent Health Center on November 16, 2014, during the Cesarean section delivery of Z’MS. *Id.* at para 4.

Appellant Harris and her counsel made several appearances before this Trial Court to address this action. Prior to September of 2021, the settlement negotiations were “stuck” at one-million two-hundred fifty-thousand dollars (\$1,250,000), a figure which Appellant Harris was adamantly opposed to accepting. *See, e.g., N.T.* at p. 6. Then, on September 24, 2021, Appellant’s counsel managed to acquire a global settlement offer of two-million dollars (\$2,000,000) from several Appellees through significant and repeated attempts at negotiation after more than four years of settlement deadlock. *See Plaintiff’s Exhibit F; see also N.T.* at p. 7. At the approval hearing,

Appellant Harris’s attorney stated, “I think the settlement, as Your Honor is aware and I think has endorsed, I think that’s a good settlement in Erie County. No disrespect to Erie County meant, but I think it is an excellent result to achieve under the circumstances.” *N.T.* at p. 7.

Appellant Harris approved, consented, and accepted the settlement offer, and signed the Petition for Approval of Settlement that Appellant’s counsel submitted to this Court. *See Petition for Approval of Settlement* at p. 15 and 16; *see also N.T.* at pp. 10-11, 17-18. This Trial Court also notes the Petition for Approval of Settlement signed by Appellant Harris referenced that on October 18, 2021, a “Stipulation to Dismiss Fewer Than all Defendants Pursuant to Pa.R.C.P. 229” was filed as to Defendant Andrea Jeffress, M.D. with prejudice thereby agreeing to remove Defendant Andrea Jeffress, M.D. from this caption, and that said Stipulation was submitted with the accompanying Petition for Approval of Settlement. *See Petition for Approval of Settlement* at p. 2 and *Plaintiff’s Exhibit C.*

Appellant’s counsel also obtained authorization from the Department of Revenue to allocate all (100%) of the settlement proceeds to the wrongful death action, and documented for this Court and for the Department of Revenue why that allocation was appropriate. Appellant’s Counsel included this documentation and authorization within the Petition for Approval of Settlement that Appellant Harris signed, and submitted said Petition to this Court. *Petition for Approval of Settlement*, pp. 5-10.

Appellant’s counsel, after “much negotiation” with the Pennsylvania Department of Public Welfare, succeeded in having the outstanding lien for the medical care and treatment of Decedent reduced from \$181,398.08 to \$100,566.77, an approximately forty-four and one-half percent (44.5%) reduction. *See Plaintiff’s Exhibit N.* Appellant’s counsel communicated this negotiated lien amount to Appellant Harris and included said efforts in this Petition for Approval of Settlement consented to and signed by appellant Harris. *See Petition for Approval of Settlement* at pp.11-12.

In this same Petition for Approval of Settlement signed and consented to by Appellant Harris, Appellant’s counsel also explained in detail how this settlement money would be allocated: First, the money would be distributed, pursuant to MCARE governing policies, in two equal disbursements of one-million dollars each from the MCARE fund. The first payment disbursement would occur twenty (20) days after the approval of this Settlement, and the second would occur one year after that. Second, the Petition consented to and signed by Appellant Harris asked for the settlement proceeds be allocated as follows:

\$650,089.47, for Appellant’s Counsel for Attorney Fees;

\$91,203.98, for Appellant’s Counsel for Litigation Costs and Expenses;

\$100,566.74, negotiated amount for lien(s) held by Pennsylvania Department of Human Services for medical payments paid on behalf of Decedent;

**\$1,049,668.88, to be held in trust (trust vehicle to be created through counsel with expertise in this area who appeared by Zoom at this Petition for Approval of Settlement hearing) as Settlement Proceeds for the benefit of Minor Child, “Z’MS”; and**



\$108,470.93 to Appellant Harris individually as her Settlement Proceeds.  
*Id.* at para. 40 (emphasis added).

One of Appellant Harris’s attorneys, Attorney Hoffman thoroughly explained these distributions on the record. *N.T.* at pp. 6-7. Appellant Harris confirmed at the hearing she had signed and consented to the Petition for Approval of Settlement as to the two-million dollar (\$2,000,000.00) settlement when Appellant Harris stated: “I signed the papers so I can get this settled. I want – we want to move on with our lives... I mean I’m not disagreeing about the two million dollars, no, I’m not disagreeing about that at all. We are – we’ll take that.” *N.T.* at p. 9, 11.

Attorney Latisha Bernard Schuenemann explained at the hearing how the over one million dollars in trust would be established for the benefit of Minor Child Z’MS pursuant to statutory guidelines, *see N.T.* at 12-13. Attorney Schuenemann stated in more detail:

Your Honor, it is a minor’s trust with a proposed corporate fiduciary... so according to Pennsylvania rules the trust will provide that. [sic] It’s there for the minor’s health, maintenance, education, support. Income can be spent, but the principal has to get court approval up until the age of 18. So it does actually follow the statute. And then at age 18 he does have a window where he can withdraw those funds. If he does not, then it remains in trust and then he can eventually take...half out at 25, the rest out at 30.... But again it’s there for his health, maintenance, education, and support; but in accordance with the rules, Wells Fargo as a corporate fiduciary is going to be the trustee of the trust...following the minors rules of the statute. *N.T.* at p.13.

When this Trial Court inquired into how much Minor Child Z’MS would receive per month, Attorney Schuenemann responded:

[That’s] something that has to be sat down with Wells Fargo as far as between [Appellant] Harris and Wells Fargo developing a budget as to [Z’MS’s] needs and his expenses and whatnot. In the first petition we are expecting to request certain allowances... allowance is requested for that first year....[It] takes a little bit of time for those funds to be invested, so the income will not be generated certainly right away. So there will be certain allowances we are requesting and we’re working on finalizing that at this time. *N.T.* at p. 14.

Attorney Schueneman further confirmed sufficient moneys would exist to meet Minor Child Z’MS’s needs during the establishment period, *See N.T.* at p. 14. This Court then confirmed and noted Minor Child Z’MS has no special needs and was a “relatively healthy child.” *see N.T.* at p. 15. Procedurally, Attorney Schuenemann explained she would file, present and submit a petition in trust to the Orphan’s Court of Erie County for approval. *Id.* Finally, Attorney Dr. Hoffman assured this Trial Court that no costs associated with the establishment of the trust are borne by either Appellant Harris individually or by the contemplated trust created for the benefit of Minor Child Z’MS. *See N.T.* at 16-17.

At the Approval Hearing, Appellant Harris appeared to disagree with the amount she had

agreed and voluntarily signed with her attorneys on behalf of herself and the Decedent’s estate. Appellant Harris stated at the hearing:

**[I] don’t believe that the attorneys should get 300,000 then 91,000; and then on the second payout 340,000.... Why am I paying them all this money? I don’t believe that that [sic] should be the way....** *N.T.* at p. 9 (emphasis added);

\* \* \* \* \*

[after acknowledging that she had signed a contract with her attorneys] from my understanding that you are the judge and that you could, and you could change anything that’s on this piece of paper. *N.T.* at p. 10.

This Trial Court then corrected Appellant Harris’s mistaken notion of the concept of court discretion by explaining the Trial Court must exercise reasonable and sound discretion, *see N.T.* at p. 11. Appellant Harris then states: **“I mean, I’m not disagreeing about the two million dollars, no, I’m not disagreeing about that at all. We are – we’ll take that.”** *N.T.* at p. 11 (emphasis added).

Despite Appellant’s disagreement over her attorneys’ fees and such dispute not being relevant to the scope of this settlement approval hearing, this Trial Court still permitted Appellant Harris to make her argument and the Trial Court considered her concerns. However, this dispute can be better addressed outside of the scope of this Petition’s approval for settlement, in either a separate contract action or at a fee dispute with a bar association entity, so as not to unduly delay the settlement of this civil action in the best interest of this Minor Child Z’MS.

Despite her claims to the contrary, every alleged disagreement Appellant Harris had with her counsel was explicitly approved by Appellant Harris in the Contingency Fee Agreement, and in the Petition for Approval of Settlement – a fact that Appellant Harris herself acknowledges repeatedly at the approval hearing, *see N.T.* at 9-11, (“I signed the papers so I can get this settled”); and 17-19 (“I said, ‘Well, do what you have to do.’.... I said “Okay, if that’s what you can do, that’s what we’ll settle on and we’ll get this out of the way so [Z’MS] and I can move on with our lives.”).

Appellant Harris’s counsel explained to Appellant Harris the terms of the distribution of this settlement in detail. Appellant Harris’s counsel and his law firm also explained how they are not holding Appellant Harris to the terms of the Contingency Fee Agreement, *see N.T.* at p. 16-17. Instead, her counsel graciously accepted less than the amount specified in the Contingency Agreement for their fees despite their extensive efforts to generate this settlement amount.

This Trial Court noted the extensive and exemplary work Appellant’s counsel performed in negotiating and acquiring this settlement. Her counsel explained how he significantly reduced the amount owed to the Department of Health, and his efforts to have the Department of Revenue approve this settlement as a wrongful death allocation of one-hundred percent (100%) of the settlement proceeds. *See N.T.* at p. 7. Appellant’s counsel also explained how his firm was reducing their fees in Appellant Harris’ favor by absorbing the costs of

litigation incurred for the benefit of Minor Child Z'MS and by reimbursing Appellant Harris for costs of Decedent's headstone. Appellant Harris' counsel further stated they agreed to make multiple charitable donations at the direction of Appellant Harris at no cost. *See N.T.* at 15, 16-17. This Trial Court noted and explained to Appellant Harris at the hearing that such generosity by counsel is exceptionally rare, and that she presented no reason whatsoever to invalidate the Contingency Fee Agreement.

This Trial Court found this Petition for Approval of Settlement was consistent with the statutory purpose of settlement approval hearings in wrongful death actions for surviving minor children. This Trial Court further found the benefits of this settlement were being properly received by the surviving Minor Child Z'MS, and that granting the settlement was in the Minor Child's best interest and properly benefits him. All parties consented in writing and consented orally to approve this Settlement Petition; accordingly, this Trial Court granted Appellant Harris's Petition for Approval of Settlement.

### LAW AND ANALYSIS

"No action to which a minor is a party shall be compromised, settled or discontinued except after approval by the court pursuant to a petition presented by the guardian of the minor." Pa.R.C.P. 2039(a). The Pennsylvania Superior Court has plainly and repeatedly stated the policy underlying this Rule:

"Pa.R.C.P.2039 adds a requirement of court approval for the sole purpose of protecting the *minor's* rights...." *Dengler by Dengler v. Crisman*, 358 Pa.Super. 158, 516 A.2d 1231, 1233 (1986) (emphasis in original; citations omitted).... [T]he settlement is enforceable against the "negotiators" without court approval. The Rule's primary purpose is to "prevent settlements which are unfair to minors, and to ensure that the minor receive the benefit of the money awarded." *Power by Power v. Tomarchio*, 701 A.2d 1371, 1374 (Pa.Super.1997). In considering whether to approve the settlement of a minor's claim, the court focuses on the best interests of the minor. *Storms ex rel Storms v. O'Malley*, 779 A.2d 548, 556 (Pa. Super 2001).

In the instant case, Appellant Harris signed the Petition for Approval of Settlement and consented to the Settlement offer. *Petition for Approval of Settlement* at p. 15, 16; *see also N.T.* 10-11, 17. Appellant Harris has explicitly stated her consent and approval of the Settlement amount at the hearing on the record with this Trial Court. *See N.T.* at 10. This Trial Court heard, reviewed and considered the details of the settlement to ensure the surviving Minor Child Z'MS receives the benefit of the money settlement. Here, this Trial Court found the surviving Minor Child is appropriately receiving the reasonable and fair amount of one million, forty-nine thousand, six hundred sixty-eight dollars and eighty-eight cents (\$1,049,668.88), after attorney fees.

Pursuant to Pa.R.C.P. No. 2039(b)(4), this Trial Court found and concluded said money would be properly placed in a trust created for the benefit, education, care, and maintenance of the child. *See Petition for Approval of Settlement* at p. 13 (chart showing over one million dollars (\$1,000,000) allocated under settlement for the benefit of Minor Child Z'MS, trust vehicle to be established) and *N.T.* at pp. 13-15 (Attorney Schuenemann's explanation of

how the trust will work consistent with the statute, and the trust will sufficiently meet Minor Child's Z'MS's needs by counsel meeting with Appellant Harris to establish a budget).

Appellant Harris consented verbally and in writing, and also clearly stated she is satisfied with the two-million (\$2,000,000.00) dollar settlement. *N.T.* at 11, 12, 17. All Appellees and their counsel agreed to approve this Petition, as evidenced by the record. (*See Plaintiff's Petition for Approval of Settlement* at p. 15 and *N.T.* at pp. 3-6, 17, 23, 24). This Trial Court listened and addressed all issues concerning the Settlement Agreement at said hearing for approval and confirmed the surviving Minor Child Z'MS is healthy and does not have any special needs. *See N.T.* at pp. 6-7, 13-15. This Court then granted said Petition for Approval of Settlement, thereby allocating the majority of the settlement proceeds towards and establishing a trust for the benefit and best interests of said Minor Child. This Court also heard and addressed Appellant Harris's claims about her own counsel's fees before granting said Petition and determined they were without merit.

Wherefore, for all the reasons stated herein, this Trial Court requests the Superior Court of Pennsylvania affirm this Trial Court's decision that granted this Petition for Approval of Settlement.

**BY THE COURT**

/s/ **STEPHANIE DOMITROVICH, JUDGE**

**CHANGE OF NAME NOTICE**  
In the Court of Common Pleas of Erie County, Pennsylvania 10132-22 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Hercules Kadeem Allen to Hercules Kadeem Rieger.  
The Court has fixed the 15th day of March, 2022 at 9:00 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Feb. 11

**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**  
Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on November 10, 2021 for Dragonfly Charities at 520 East 28th St., Erie, PA 16504. The name and address of each individual interested in the business is Betsy Zaczyk at 520 East 28th St., Erie, PA 16504. This was filed in accordance with 54 Pa.C.S. 311.417.

Feb. 11

**FICTITIOUS NAME NOTICE**  
Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on November 29, 2021 for Erie Elite Performance VBC at 2904 Greengarden Blvd, Erie, PA 16508. The name and address of each individual interested in the

business is Michael Resurreccion, 2904 Greengarden Blvd, Erie, PA 16508. This was filed in accordance with 54 Pa.C.S. 311.417.

Feb. 11

**INCORPORATION NOTICE**  
Notice is hereby given that Articles of Inc. were filed with the Dept. of State for AAL Distributor Inc., a corp. organized under the PA Business Corp. Law of 1988.

Feb. 11

**INCORPORATION NOTICE**  
Notice is hereby given that BD's One Stop Inc., has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.  
Susmarski Hain & Juliante  
Ronald J. Susmarski, Esq.  
4030 West Lake Road  
Erie, PA 16505

Feb. 11

**INCORPORATION NOTICE**  
Notice is hereby given that Articles of Inc. were filed with the Dept. of State for DVM Distribution Inc., a corp. organized under the PA Business Corp. Law of 1988.

Feb. 11

**INCORPORATION NOTICE**  
Notice is hereby given that Articles of Inc. were filed with the Dept. of State for Espinal Distribution Inc., a corp. organized under the PA Business Corp. Law of 1988.

Feb. 11

**INCORPORATION NOTICE**  
Notice is hereby given that Articles of Inc. were filed with the Dept. of State for Sweet Spot Distributing Inc., a corp. organized under the PA Business Corp. Law of 1988.

Feb. 11

**LEGAL NOTICE**  
**ATTENTION: UNKNOWN BIOLOGICAL FATHER INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR FEMALE CHILDA.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.

Feb. 11

**LEGAL NOTICE**  
COURT OF COMMON PLEAS - ERIE COUNTY, PA - NO. 2019 -11988 - CIVIL ACTION - LAW - MORTGAGE FORECLOSURE - Pennsylvania Housing Finance Agency, Plaintiff vs. Makaylee Mennini, Known Heir of Michael J. Mennini, Deceased and The Unknown Heirs of Michael J.

Mennini, Deceased, Defendant(s) - To: The Unknown Heirs of Michael J. Mennini, Deceased, Defendant(s) - You are hereby notified that on 7/25/19, Plaintiff filed a mortgage foreclosure complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Erie County, PA, docketed to No. 2019-11988, wherein Plaintiff seeks to foreclosure its mortgage securing your property located at: 1648 West 23rd Street, Erie, PA 16502, whereupon the Sheriff of Erie County would sell your property. You are hereby notified to plead to the above-referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you. NOTICE - You have been sued in Court. If you wish to defend, you must enter a written appearance personally or by

an 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. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. Erie County Lawyer Referral Service, Lawyer Referral & Info. Service, P.O. Box 1792, Erie, PA 16507, 814-459-4411. Leon P. Haller, Atty for Plaintiff, 1719 N. Front St., Harrisburg, PA 17102, 717-234-4178

Feb. 11

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**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

**FEBRUARY 25, 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.

Christopher D. Campanelli  
Sheriff of Erie County

Feb. 4, 11, 18

**SALE NO. 1**

**Ex. #12238 of 2021**

**KATHLEEN M. HUBBARD,  
Plaintiff**

**v.**

**LINDA LYONS KING,  
Executrix of the ESTATE OF  
FLORENCE M. LYONS aka  
FLORENCE LYONS, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-12238, KATHLEEN M. HUBBARD v. LINDA LYONS KING, Executrix of the ESTATE OF FLORENCE M. LYONS aka FLORENCE LYONS, owner of property situated in the Township of Millcreek, Erie County, Pennsylvania being commonly known as 506 Howe Avenue, Erie,

PA with 1,248 square footage and .2170 acreage.  
Assessment Map No. (29) 12-20-6  
Assessed Value Figure: \$88,100  
Improvement thereon: Two story family dwelling  
Mark G. Claypool, Esquire  
Knox McLaughlin Gornall & Sennett, P.C.  
120 West Tenth Street  
Erie, Pennsylvania 16501  
(814) 459-2800

Feb. 4, 11, 18

**SALE NO. 3**

**Ex. #10410 of 2021**

**TED HILINSKI, and  
ROSALIE CALDWELL,  
Plaintiffs**

**v.**

**AMANDA FLICK, JAMES  
FLICK, BRADLEY FLICK,  
LAWRENCE JOSEPH FLICK  
and JEFFRY PORACKY, Heirs  
of LAWRENCE E. FLICK  
(Deceased), Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-10410, Ted Hilinski and Rosalee Caldwell vs. James Flick and Amanda Flick, Heirs of Lawrence E. Flick, Deceased, owners of property situate in the Township of Millcreek, Erie County, Pennsylvania being: 1425 Hilborn Avenue, Erie, Pennsylvania.  
Approx. 0.2700 acres  
Assessment Map Number: (33) 33-179-6  
Assessed Value Figure: \$28,600.00  
Improvement Thereon: Residence  
Eugene C. Sundberg, Jr., Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

Feb. 4, 11, 18

**SALE NO. 4**

**Ex. #11833 of 2021**

**MARQUETTE SAVINGS  
BANK, Plaintiff**

**v.**

**HARRY R. JAGODZINSKI;  
CHRISTINE A. ANDERSON;  
ROSANNE JAWORSKI; JAMES  
JAGODZINSKI; ROBERT  
JAGODZINSKI; AND THOMAS  
JAGODZINSKI; as the HEIRS**

**of JOHN A. JAGODZINSKI,  
Deceased, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-11833, Marquette Savings Bank vs. Harry R. Jagodzinski, Christine A. Anderson, Rosanne Jaworski, James Jagodzinski, Robert Jagodzinski, and Thomas Jagodzinski, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 722 East 34th Street, Erie, Pennsylvania.  
Approx. 0.1643 acres  
Assessment Map Number: (18) 5387-107  
Assessed Value Figure: \$64,800.00  
Improvement Thereon: Residence  
Eugene C. Sundberg, Jr., Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

Feb. 4, 11, 18

**SALE NO. 6**

**Ex. #10125 of 2021**

**NORTHWEST BANK f/k/a  
NORTHWEST SAVINGS  
BANK, Plaintiff**

**v.**

**MATTHEW M. MORELL and  
PATTY A. MORELL, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-10125, Northwest Bank vs. Matthew M. Morell and Patty A. Morell, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 1807 West 32nd Street, Erie, Pennsylvania: 40 X 100 X 40 X 100  
Assessment Map Number: (19) 6153-203  
Assessed Value Figure: \$72,900.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

Feb. 4, 11, 18

**SALE NO. 7**

**Ex. #11963 of 2021**

**THE ANDOVER BANK, Plaintiff  
v.**

**ALISON M. SCARPITTI  
and SARA E. KAVANAUGH,  
Sole Heirs of WILLIAM F.  
SCARPITTI, JR., Deceased,  
and THE UNITED STATES OF  
AMERICA, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-11963, Andover Bank vs. Alison M. Scarpitti and Sara E. Kavanaugh, owners of property situate in the City of Erie, Erie County, Pennsylvania being: 662 West 6th Street, Erie, Pennsylvania.  
Approx. 38' X 69' X 38' X 69'  
Assessment Map Number: (17) 4020-129  
Assessed Value Figure: \$84,300.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

Feb. 4, 11, 18

**SALE NO. 8**

**Ex. #11493 of 2021**

**NORTHWEST BANK, Plaintiff  
v.**

**CHESTER J. VENDETTI, II,  
Defendant  
DESCRIPTION**

By virtue of a Writ of Execution filed at No. 2021-11493, Northwest Bank vs. Chester J. Vendetti, II, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 1401 State Street, Units 505 and 507, Erie, Pennsylvania.  
Unit 505 - 807.73 Square Feet and Unit 507 - 719.10 Square Feet  
Assessment Map Number: (15) 2004-203.76 and (15) 2004-203.78  
Assessed Value Figure: Unit 505 - \$92,500.00  
Unit 507 - \$86,200.00  
Improvement Thereon: Residence  
Kurt L. Sundberg, Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

Feb. 4, 11, 18

**SALE NO. 9**

**Ex. #10569 of 2021**

**U.S. Bank Trust National  
Association, Not In Its Individual  
Capacity But Solely As Owner  
Trustee For vrmtg Asset Trust,  
Plaintiff**

**v.**

**Glinda R. Atkinson, Defendant  
DESCRIPTION**

By Virtue of Writ of Execution filed to No. 2021-10569, U.S. Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For vrmtg Asset Trust vs. Glinda R. Atkinson, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 2414 Camphausen Avenue, Erie, PA 16510  
0.1132  
Assessment Map number: 18051012010700  
Assessed figure: \$55,970.00  
Improvement thereon: Single Family Residential Dwelling  
Hladik, Onorato & Federman, LLP  
289 Wissahickon Avenue  
North Wales, PA 19454  
(215) 855-9521

Feb. 4, 11, 18

**SALE NO. 11**

**Ex. #13577 of 2017**

**JPMorgan Chase Bank, National  
Association successor by  
merger to Chase Home Finance,  
LLC successor by merger to  
Chase Manhattan Mortgage  
Corporation c/o Carrington  
Mortgage Services, LLC, Plaintiff  
v.**

**Michael J. Schmitt and  
Karen M. Schmitt, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2017-13577, JPMorgan Chase Bank, National Association successor by merger to Chase Home Finance, LLC successor by merger to Chase Manhattan Mortgage Corporation c/o Carrington Mortgage Services, LLC vs. Michael J. Schmitt and Karen M. Schmitt, owner(s) of property situated in the Township of Venango, Erie County, Pennsylvania being 13661 Joy Avenue, Wattsburg, PA 16442  
0.9276

Assessment Map number: 44015039000300  
Assessed Value figure: \$135,200.00  
Improvement thereon: a residential dwelling  
SAMANTHA GABLE, ESQUIRE  
LOGS Legal Group LLP  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Feb. 4, 11, 18

**SALE NO. 12**

**Ex. #12545 of 2018**

**Carrington Mortgage Services,  
LLC, Plaintiff  
v.**

**Deborah L. Vargas and  
Brian D. Bean, Defendants  
DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2018-12545, Carrington Mortgage Services, LLC vs. Deborah L. Vargas and Brian D. Bean, owner(s) of property situated in the City of Corry, First Ward, Erie County, Pennsylvania being 942 East Main Street, Corry, PA 16407  
50X175  
Assessment Map number: 05029107000200 and 05029107000200  
Assessed Value figure: \$35,070.00  
Improvement thereon: a residential dwelling  
KRISTEN D. LITTLE, ESQ.  
LOGS Legal Group LLP  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Feb. 4, 11, 18

**SALE NO. 13**

**Ex. #10042 of 2020**

**PNC Bank, National Association,  
Plaintiff  
v.**

**Byron E. Jones, AKA  
Byron Jones, Defendant  
DESCRIPTION**

By virtue of a Writ of Execution file to No. 2020-10042, PNC Bank, National Association vs. Byron E. Jones, AKA Byron Jones, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania

being 3106 Auburn Street, Erie, PA 16508  
896 SQFT  
Assessment Map Number: 19062029010200  
Assessed Value figure: \$76,090.00  
Improvement thereon: Single Family Dwelling  
Cristina L. Connor, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Feb. 4, 11, 18

**SALE NO. 14**

**Ex. #12260 of 2019**  
**PNC Bank, National Association,**  
**Plaintiff**

v.

**John Kreider, AKA**  
**John W. Kreider, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-12260, PNC Bank, National Association vs. John Kreider, AKA John W. Kreider, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 1015 West 28th Street, Erie, PA 16508  
1,529 SQFT  
Assessment Map Number: 19060037010800  
Assessed Value figure: \$65,300.00  
Improvement thereon: Single Family Dwelling  
Cristina L. Connor, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Feb. 4, 11, 18

**SALE NO. 15**

**Ex. #11536 of 2021**  
**SPECIALIZED LOAN**  
**SERVICING LLC, Plaintiff**

v.

**JAMIE BARR, IN HER**  
**CAPACITY AS HEIR OF**  
**ROSE ANN M. BARGIELSKI;**  
**MICHAEL BARGIELSKI, IN**  
**HIS CAPACITY AS HEIR OF**  
**ROSE ANN M. BARGIELSKI;**  
**UNKNOWN HEIRS,**  
**SUCCESSORS, ASSIGNS, AND**  
**ALL PERSONS, FIRMS OR**  
**ASSOCIATIONS CLAIMING**

**RIGHT, TITLE OR INTEREST**  
**FROM OR UNDER ROSE ANN**  
**M. BARGIELSKI, Defendant(s)**  
**DESCRIPTION**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 667 PAYNE AVE., ERIE, PA 16503  
BEING PARCEL NUMBER: 14011004022000  
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. 4, 11, 18

**SALE NO. 16**

**Ex. #11809 of 2021**  
**DEUTSCHE BANK NATIONAL**  
**TRUST COMPANY, AS**  
**TRUSTEE FOR IXIS REAL**  
**ESTATE CAPITAL TRUST**  
**2005-HE4 MORTGAGE PASS**  
**THROUGH CERTIFICATES,**  
**SERIES 2005-HE4, Plaintiff**

v.

**AGELA T. LEGGETT,**  
**Defendant(s)**  
**DESCRIPTION**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 830 E. 22ND STREET, ERIE, PA 16503  
BEING PARCEL NUMBER: 18050033012900  
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 Crawley, Esquire  
Id. No. 319712

Feb. 4, 11, 18

**SALE NO. 17**

**Ex. #11670 of 2021**  
**Wilmington Savings Funds**  
**Society, Plaintiff**

v.

**Randell B. Coleman, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2021-11670, Wilmington Savings Funds Society vs. Randell B. Coleman, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 1820 Fairmont Parkway, Erie, PA 44X138  
Single Family  
Assessment Map number: 18051024022200  
Assessed Value figure: \$59,850  
Improvement thereon: Residential Single Dwelling  
Stern & Eisenberg, P.C  
Andrew J. Marley, Esquire  
1581 Main Street, Suite 200  
Warrington, PA 18976

Feb. 4, 11, 18

**SALE NO. 18**

**Ex. #10466 of 2020**  
**Lakeview Loan Servicing, LLC,**  
**Plaintiff**

v.

**Michael L. Rhoades, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2020-10466, Lakeview Loan Servicing, LLC vs. Michael L. Rhoades, owner(s) of property situated in the County of Erie, Erie County, Pennsylvania being 12004 West Lake Road, East Springfield, PA  
LOT 2  
2.141 AC  
Single Family  
Assessment Map number: 39005004000200  
Assessed Value figure: \$87,500  
Improvement thereon: Residential Single Dwelling  
Stern & Eisenberg, P.C  
Andrew J. Marley, Esquire  
1581 Main Street, Suite 200  
Warrington, PA 18976

Feb. 4, 11, 18

**SALE NO. 19**

**Ex. #11087 of 2021**  
**Pennsylvania State Employees**  
**Credit Union, Plaintiff**

v.

**Fernando Pagan and Minerva**  
**Pagan, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 11087-21, Pennsylvania State Employees Credit Union vs. Fernando Pagan and Minerva Pagan, owner(s) of property situated in the City of Erie, Erie County, Pennsylvania being 348 East 9th Street, Erie, PA 16503  
0.1562 acres / 2,932 square feet  
Assessment Map number: Parcel - 15020016024200  
Assessed Value figure: \$40,200.00  
Improvement thereon: Two Family land use code  
Michelle Pierro, Esquire  
436 7th Ave., Ste 250  
Pittsburgh, PA 15213  
412-338-7113

Feb. 4, 11, 18

**SALE NO. 21**

**Ex. #11967 of 2021**  
**PLAINTIFF 6101 WATTSBURG**  
**ABL I HOLDINGS, LLC,**  
**Plaintiff**

v.

**PENDER CAPITAL ASSET**  
**BASED LENDING FUND I, L.P.,**  
**Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2021-11967,

PLAINTIFF 6101 WATTSBURG ABL I HOLDINGS, LLC v. DEFENDANT PENDER CAPITAL ASSET BASED LENDING FUND I, L.P.

Defendant is owner of real property situated in Township of Millcreek, Erie County, Pennsylvania being 6101 Wattsburg Road, Erie, PA 16509.  
Also known as Tract No. 334 in Township of Millcreek, Erie County, Pennsylvania being 74,332 square feet.  
Assessment Map number: 33-198, Tax Map No: 643  
Assessed Value Figure: \$1,953,500  
Improvement Thereon: Hotel/Motel John C. Gentile (No. 322159)  
Benesch, Friedlander, Coplan & Aronoff LLP  
1650 Market St., 36th Floor  
Philadelphia, PA 19103  
(302) 442-7010  
jgentile@beneschlaw.com

Feb. 4, 11, 18

**SALE NO. 22**

**Ex. #11521 of 2021**  
**PENNYMAC LOAN SERVICES,**  
**LLC, Plaintiff**

v.

**DANIEL G. ROGERS,**  
**Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2021-11521, PENNYMAC LOAN SERVICES, LLC vs. DANIEL G. ROGERS, owner(s) of the property situated

in Erie County, Pennsylvania being 4034 WARSAW AVENUE, ERIE, PA 16504  
Assessment Map Number: 18052042010300  
Assessed Value Figure: \$130,000.00  
Improvement Thereon: A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET,  
SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Feb. 4, 11, 18

**ATTENTION ALL ATTORNEYS**

Are you or an attorney you know dealing with personal issues related to substance use, depression, anxiety, grief, an eating disorder, gambling, significant stress or other mental health concerns?

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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

### AMENDOLA, PAULINE J., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Chris Rupp, 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

### BALOGH, STEVEN A., a/k/a STEVEN ANDREW BALOGH, deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Brian C. Balogh, c/o Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171  
*Attorney:* Richard A. Blakely, Esq., Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171

### BERCHTOLD, REBECCA L., a/k/a REBECCA LYNN BERCHTOLD, a/k/a REBECCA BERCHTOLD, deceased

Late of the Township of Millcreek, County of Erie and State of Pennsylvania  
*Administrator:* Mark A. Berchtold, 1809 W. Grandview Blvd., Erie, PA 16509  
*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

### BINGAMAN, WILLIAM R., deceased

Late of Venango Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Tad M. Bingaman, 10906 Backus Rd., Wattsburg, PA 16442  
*Attorney:* None

### CAREY, JELSOMINA, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Alice M. Fuhrman, 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

### GAMES, RITA M., deceased

Late of the Borough of Wattsburg, County of Erie, Pennsylvania  
*Executrix:* Katherine L. Kimmy, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

### HERTEL, AUDREY M., deceased

Late of Harborcreek Township, Erie County, Pennsylvania  
*Executrix:* Dianna Dias, 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

### HOVIS, RICHARD L., deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Jean E. Hovis, c/o Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171  
*Attorney:* Richard A. Blakely, Esq., Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171

### ROPELEWSKI, MARY, a/k/a EILEEN M. ROPELEWSKI, a/k/a EILEEN ROPELEWSKI, deceased

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Ronald J. Susmarski, 4036 West Lake Road, Erie, PA 16505  
*Attorney:* Aaron E. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

### SACK, DAVID, a/k/a DAVID C. SACK, deceased

Late of the Township of Millcreek, County of Erie and State of Pennsylvania  
*Administrator:* Jacob Sack, 1265 E. Arlington Road, Erie, PA 16504  
*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

### SCUTELLA, STEPHEN P., deceased

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Tina M. Denning-Scutella, c/o Dan W. Susi, Esquire, 714 Sassafras Street, Erie, PA 16501  
*Attorney:* Dan W. Susi, Esquire, 714 Sassafras Street, Erie, PA 16501

**SMITH, JUNE M., a/k/a  
JUNE MARY  
BARBARULA SMITH,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Paul L. Smith, c/o Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171  
*Attorney:* Richard A. Blakely, Esq., Blakely & Blakely, LLC, 2701 Evanston Avenue, Suite 100, Erie, PA 16506-3171

**SOHL, TIMOTHY M., a/k/a  
TIMOTHY SOHL,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Ronald J. Susmarski, 4030 West Lake Road, Erie, PA 16505  
*Attorney:* Anthony Andrezewski, Esq., 815 E. 28th Street, Erie, PA 16504

**TOROK, JOSEPH JAMES,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Administratrix:* Rita Torok, 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

**WEIGEL, ROBERT LYNFORD,  
deceased**

Late of 3324 Berkeley Road, Erie, Erie County, Pennsylvania  
*Executrix:* Susan Weigel Kelly, 715 Tidball Avenue, Grove City, PA 16127  
*Attorney:* James A. Stranahan IV, Esquire, Stranahan, Stranahan & Cline, 101 South Pitt Street, P.O. Box 206, Mercer, PA 16137-0206

**WOZNAK, JINNY L.,  
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executor:* Anthony Wozniak, 55 Orchard Street, Erie, PA 16508  
*Attorney:* None

**SECOND PUBLICATION**

**BAIRD, DOUGLAS P., SR.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executrix:* Michelle Loiacono, c/o 502 Parade Street, Erie, PA 16507  
*Attorney:* Gregory L. Heidt, Esquire, 502 Parade Street, Erie, PA 16507

**BENACCI, BARBARAANN, a/k/a  
BARBARA A. BENACCI,  
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Co-administratrices:* Lisa Brady and Kathleen Pollard, 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

**BENTON, JOAN E., a/k/a  
JOAN ELIZABETH BENTON,  
a/k/a JOAN BENTON,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Fay E. Ifft, 222 Conifer Drive, Evergreen, CO 80439  
*Attorney:* John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**BLANKS, KENNETH LEE, a/k/a  
KENNETH L. BLANKS, a/k/a  
KENNETH BLANKS,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Michelle Blanks, c/o James J. Bruno, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* James J. Bruno, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509

**BUSCHAK, ESTHER ANN, a/k/a  
ESTHER A. BUSCHAK,  
deceased**

Late of the Township of Conneaut, County of Erie and State of Pennsylvania  
*Co-executrices:* Sally Buschak Irick and Esther Buschak-Smith, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**COMSTOCK, DAVID J.,  
deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Kathy H. Riser, c/o 300 State Street, Suite 300, Erie, PA 16507  
*Attorney:* Thomas V. Myers, Esquire, Marsh SchAAF, LLP, 300 State Street, Suite 300, Erie, PA 16507

**DeLUCA, FRED, a/k/a  
FRED M. DeLUCA,  
deceased**

Late of the Township of Millcreek, County of Erie, and State of Pennsylvania  
*Executor:* Thomas J. Giblin  
*Attorney:* Gregory A. Karle, Esq., Dailey, Karle & Vilella, 731 French Street, Erie, PA 16501

**FEICK, THERESA M.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* David Feick, 3602 Lansing Way, Erie, PA 16506  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**GANDZIARSKI, JOSEPH  
ALLISON,  
deceased**

Late of Erie City, Erie County, PA  
*Executor:* Jean L. Steiger  
*Attorney:* Noah A. Erde, Esq., Cressman Erde Ferguson, LLC, 300 Arch Street, Meadville, PA 16335

**HENDRICKS, ROBERT R.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Administrator:* Gregory Hendricks, c/o 502 Parade Street, Erie, PA 16507  
*Attorney:* Gregory L. Heidt, Esquire, 502 Parade Street, Erie, PA 16507

**JOHANNES, LOUELLA,  
deceased**

Late of Summit Township, Erie County, Erie, PA  
*Executor:* James G. Johannes, 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

**MALONE, PATRICK MICHAEL,  
deceased**

Late of 823 Hilltop Road, Erie, PA 16509  
*Administratrix:* Andrea Malone, 823 Hilltop Road, Erie, PA 16509  
*Attorney:* Matthew J. Parini, Esquire, 502 West Seventh Street, Erie, Pennsylvania 16502

**PASSARELLI, JOHN P., a/k/a  
JOHN PATRICK PASSARELLO,  
a/k/a JOHN PASSARELLI,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* John G. Passarelli, 4208 Alison Avenue, Erie, PA 16506  
*Attorney:* John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**STEVENS, GORDON L., a/k/a  
GORDON STEVENS,  
deceased**

Late of the Borough of Lake City, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Karen S. Parrish, 3563 Route 215, East Springfield, PA 16411  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**TRACY, EILEEN L., a/k/a  
EILEEN M. TRACY, a/k/a  
EILEEN LEONA TRACY,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Jane Kirk, 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

**WISE, BEVERLY ANN,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Alan C. Wise, 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

**THIRD PUBLICATION**

**ADAMS, MARY E.,  
deceased**

Late of Millcreek Township, Erie County  
*Co-executrices:* Connie L. Small and Susan M. LaBruzzo  
*Attorney:* Steven E. George, Esq., Marsh SchAAF, LLP, 300 State Street, Suite 300, Erie, PA 16507

**ALDRICH, BETTY JANE, a/k/a  
BETTY J. ALDRICH,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executrix:* Linda K. Aldrich, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**BUCHANAN, WILSON, a/k/a  
WILSON W. BUCHANAN,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Co-executors:* James K. Buchanan and Glenn D. Buchanan, c/o Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507  
*Attorney:* Joseph P. Martone, Esquire, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**CONNORS, NORMA J., a/k/a  
NORMAJEAN CONNORS, a/k/a  
NORMA JEANNE HOTCHKISS,  
deceased**

Late of the Borough of Albion, County of Erie, Commonwealth of Pennsylvania  
*Co-executors:* Gary L. Connors, 4871 Watson Road, Erie, PA 16505 and Kathleen M. Bartko, 89 South Main Street, Albion, PA 16401  
*Attorney:* John M. Bartlett, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**FLETCHER, IRENE V., a/k/a  
IRENE SOETY FLETCHER,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-executrices:* Tracey Groger and Roxanne Walker  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**HRINKO, CHARLES, JR.,  
deceased**

Late of the Township of Greene, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Bradley J. Hrinko, 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

**LAW, JOHN H.,  
deceased**

Late of McKean Township,  
County of Erie, Commonwealth  
of Pennsylvania  
*Co-executrices:* Dorothy L.  
Hanna and Patricia Joan Baney,  
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

**LAW, SARA LEE, a/k/a  
SALLIE H. LAW,  
deceased**

Late of McKean Township,  
County of Erie, Commonwealth  
of Pennsylvania  
*Co-executrices:* Dorothy L.  
Hanna and Patricia Joan Baney,  
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

**LOZOWSKI, MARTIN,  
deceased**

Late of the Township of McKean,  
County of Erie, Commonwealth of  
Pennsylvania  
*Administratrix:* Sheila Lozowski,  
c/o 337 West 10th Street, Erie,  
PA 16502  
*Attorneys:* THE FAMILY LAW  
GROUP, LLC, 337 West 10th  
Street, Erie, PA 16502

**LYDIC, NANCY M.,  
deceased**

Late of Summit Township,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executor:* James M. Waddell,  
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

**McCALEB, RAE H.,  
deceased**

Late of the Township of Fairview,  
Erie County, Pennsylvania  
*Executrix:* Denise A. Brown,  
c/o Martone & Peasley, 150 West  
Fifth Street, Erie, Pennsylvania  
16507  
*Attorney:* Joseph P. Martone,  
Esquire, Martone & Peasley,  
150 West Fifth Street, Erie,  
Pennsylvania 16507

**MIMS, TYRONE ISAAC, JR.,  
a/k/a TYRONE ISAAC MIMS,  
a/k/a TYRONE I. MIMS, JR.,  
a/k/a TYRONE I. MIMS, a/k/a  
TYRONE MIMS,  
deceased**

Late of Millcreek Township,  
County of Erie and Commonwealth  
of Pennsylvania  
*Administratrix:* Rebecca L. Lyons,  
c/o 504 State Street, Suite 300,  
Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire,  
504 State Street, Suite 300, Erie,  
PA 16501

**REHM, KENNETH E.,  
deceased**

Late of the Township of Millcreek,  
County of Erie, Pennsylvania  
*Executrix:* Deborah A. Rogers,  
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

**SIDELINGER, DAVID E., a/k/a  
DAVID SIDELINGER,  
deceased**

Late of the City of Corry, County  
of Erie, Commonwealth of  
Pennsylvania  
*Administratrix:* Melanie L.  
Knowlton, 8835 Franklin Center  
Road, Cranesville, PA 16410  
*Attorney:* Valerie H. Kuntz, Esq.,  
24 Main St. E., P.O. Box 87,  
Girard, PA 16417

**SONGER, MARY C.,  
deceased**

Late of Millcreek Township,  
County of Erie, Commonwealth  
of Pennsylvania  
*Executor:* Michael J. Songer,  
10145 Wendover Drive, Vienna,  
Virginia 22181  
*Attorney:* None

**WARNER, MARGARET, a/k/a  
MINNIE WARNER, a/k/a  
MARGARET M. WARNER,  
deceased**

Late of the City of Erie  
*Co-executors:* Jeffrey Warner,  
3101 McClelland Avenue, Erie,  
PA 16510 and Loretta Tech,  
1820 East 33rd Street, Erie, PA  
16510  
*Attorney:* David J. Mack, Esquire,  
510 Parade Street, Erie, PA 16507

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*Confidential inquiries by phone or email to [mrsinfo@mrs-co.com](mailto:mrsinfo@mrs-co.com).*

**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

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1500 One PPG Place  
Pittsburgh, PA 15222.....[chelbling@tuckerlaw.com](mailto:chelbling@tuckerlaw.com)

GARY K. SCHONTHALER.....814-455-7612  
P.O. Box 2057  
Erie, PA 16512 .....[garyschonthaler@gmail.com](mailto:garyschonthaler@gmail.com)

**Bundle up and enjoy winter with your  
colleagues, spouses, families and guests hosted by the ECBA!**

# Wintertime in the Woods!

**Friday, February 18th from 5:00 to 8:00 p.m.  
Asbury Woods Nature Center, 4105 Asbury Road**

**A socially-distanced evening including:**

- Maple Syrup Tour at 6:00 p.m.; Owl Prowl Guided Tour at 7:00 p.m.;
- Tuscan Bean with Sausage Chowder/Cornbread and Roasted Tomato Soup/Grilled Cheese
- Snack Packs by Make it Fabulous;
- S'mores Kits by the fireplace;
- Complimentary cocktails, Irish coffee, regular coffee, hot chocolate and handwarmers!

**Face masks required.**

Cost is \$40 per member/\$75 per couple/\$95 per family of 3 or more.  
**RSVP required by February 11th with payment at**  
**<https://www.eriebar.com/make-a-payment>**  
Questions? Contact Julie Kresge, [jskresge@eriebar.com](mailto:jskresge@eriebar.com) or 814/459-3111.

**TO REGISTER, VISIT:**

**<https://www.eriebar.com/events/ecba-events/1716-wintertime-in-the-woods>**



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WEEKLY  
WRAP-UP

February 11, 2022

Erie County Bar Association  
**LAW DAY LUNCHEON**  
**TUESDAY, MAY 10, 2022**  
Bayfront Convention Center

Featuring Keynote Speaker

**AMANDA  
KNOX**

Exoneree, Best-Selling Author,  
& Host of The Scarlet  
Letter Reports



**Four crucial points about the Employment Discrimination Case against the NFL** - Brian Flores filed a bombshell racial discrimination lawsuit against the NFL this month. Flores is a Black former head coach of the Miami Dolphins who was fired in January and has since been rejected by multiple other NFL teams for a head coach role. The lawsuit against the NFL is historic for a number of reasons — indeed, it is surprising no team had previously been sued for race discrimination by a Black coach — and will hopefully bring about the much-needed change in how NFL teams operate. The NFL has denied the allegations in Flores’s lawsuit and will likely file its Answer soon. In the meantime, here are 4 key aspects of Flores’s employment discrimination lawsuit. Read more ... <https://www.natlawreview.com/article/4-crucial-points-about-employment-discrimination-case-against-nfl>

**Employee social media complaints: employers beware** - The National Labor Relations Board’s new general counsel, the top prosecutor who oversees all regional offices, had previously signaled an intention to expand the types of employee conduct that might qualify as protected, concerted activity. A recent advice memorandum from the general counsel’s Division of Advice doubles down on that approach. The Division of Advice memo recommended that Region 10 in Georgia file a complaint over an employee’s termination that had followed workplace complaints raised on Facebook. In doing so, the Division of Advice pushed for the same expanded definition of protected, concerted activity. Read more ... <https://www.natlawreview.com/article/employee-social-media-complaints-employers-beware>

**Counsel for athletes in City of Pittsburgh’s ‘jock tax’ lawsuit now seek summary judgment in state court** - Counsel for a trio of professional athletes and the players’ associations of Major League Baseball, the National Football League and the National Hockey League, all of whom allege that the City of Pittsburgh’s “jock tax” that is applied to both resident and non-resident athletes is unconstitutional, are now seeking summary judgment in their clients’ case. The plaintiffs feel that the City’s argument that because it financed the construction of its major sports stadiums through taxpayer funds, it has the right to tax the individuals using the facilities in order to get its money back, is faulty. Read more ... <https://pennrecord.com/stories/619649889-counsel-for-athletes-in-city-of-pittsburgh-s-jock-tax-lawsuit-now-seek-summary-judgment-in-state-court>

**Can undercover cops use Snapchat content for prosecution? It depends, top state court rules** - The top state court in Massachusetts on Monday ruled against a Snapchat user who was prosecuted after posting a gun video seen by a “friend” who turned out to be an undercover police officer. The Massachusetts Supreme Judicial Court said Averyk Carrasquillo, a felon banned from possessing guns, did not have a reasonable expectation of privacy in the content, and there was no constitutional violation when the video was used against him. Read more ... <https://www.abajournal.com/news/article/do-social-media-users-have-an-expectation-of-privacy-in-their-content-it-depends-top-state-court-rejects-categorical-rule-on-privacy-rights-of-social-media-users>

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