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# ERIE COUNTY LEGAL JOURNAL

OPINION  
INSIDE

In the Superior Court of Pennsylvania  
Darrow v. PPL Electric Utilities Corporation

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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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### FRIDAY, DECEMBER 31, 2021

New Year's Holiday  
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### WEDNESDAY, JANUARY 19, 2022

Workers' Compensation Section Meeting  
Noon  
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### FRIDAY, JANUARY 21, 2022

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### MONDAY, JANUARY 31, 2022

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### TUESDAY, FEBRUARY 8, 2022

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
MOTION COURT DATES FOR JUDGE THOMAS P. AGRESTI  
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**JANUARY 2022 NOTICE**

The following is a list of *January 2022, February 2022, and March 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](http://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, January 12, 2022	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, February 9, 2022	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 13 matters
Wednesday, March 9, 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

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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, January 6, 2022	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, January 27, 2022	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, February 17, 2022	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, March 10, 2022	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters, including all Ch. 7 Motions to Extend/Impose Stay
Thursday, March 24, 2022	11:30 a.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](http://www.pawb.uscourts.gov)).***  
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Dec. 31

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**MATTHEW DARROW**

v.

**PPL ELECTRIC UTILITIES CORPORATION, Appellant**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
No. 236 MDA 2021

Appeal from the Order Entered January 26, 2021  
In the Court of Common Pleas of Lackawanna County  
Civil Division at No: 17 CV 3312

BEFORE: PANELLA, P.J., MURRAY, J., and STEVENS, P.J.E.\*

OPINION BY MURRAY, J.:

**FILED: DECEMBER 14, 2021**

PPL Electric Utilities Corporation (Appellant) appeals from the order denying its motion to disqualify the law firm of Munley Law, P.C. and its attorneys (Munley or Munley firm) from representing Matthew Darrow (Darrow), the plaintiff in the underlying personal injury, negligence/premises liability action against Appellant. After careful review, we reverse and remand for the entry of an order precluding the Munley firm and its attorneys from representing Darrow.

On April 17, 2015, Darrow suffered serious injuries when the vehicle he was driving collided with a utility pole and came into contact with a downed power line. Darrow subsequently retained Munley attorney John M. Mulcahey, Esquire (Mulcahey or Attorney Mulcahey). On June 6, 2017, Mulcahey initiated suit by filing a writ of summons against Appellant on Darrow's behalf. The same day, Mulcahey also filed a request for pre-complaint discovery.

Mulcahey, since February 2014, has practiced law with Munley, a Scranton-based firm specializing in personal injury, and employing approximately 10 attorneys. Prior to joining Munley, Mulcahey worked for 18 years for the law firm of Lenahan & Dempsey, P.C. (Lenahan). During that time, Mulcahey represented Appellant in defending numerous personal injury lawsuits.

On July 26, 2017, Appellant filed a motion to disqualify Mulcahey and the entire Munley firm from representing Darrow. Appellant based its request on Mulcahey's: (a) extensive past representation of Appellant; and (b) "intimate knowledge of the inner workings of [Appellant's] operations" and litigation strategy. Motion to Disqualify, 7/26/17, at 7. Appellant asserted that an impermissible conflict of interest existed under the Pennsylvania Rules of Professional Conduct, and the conflict implicated all of Munley's attorneys.

Appellant attached to the motion to disqualify an affidavit executed by Andrea Martino (Martino). For 15 years, Martino worked in Appellant's Office of General Counsel as a legal claims specialist and later, legal operations manager. Affidavit, 7/24/17, at 1. Martino stated:

During [Mulcahey's] representation of [Appellant] . . . Attorney Mulcahey had direct involvement in the handling [of] no less than thirty-five (35) active litigation files. . . .

\* Former Justice specially assigned to the Superior Court.



Some of these matters involved facts similar to the instant suit, wherein person(s) were allegedly injured, or property was allegedly damaged as a result of a [utility] pole hit or [electric] line contact.

\* \* \*

The underlying facts of [the instant] personal injury lawsuit will be substantially similar to Attorney Mulcahey's prior representations of [Appellant], and will involve information of a similar character and degree as Attorney Mulcahey was privy to in accordance with his attorney-client relationship with [Appellant].

\* \* \*

During his representation of [Appellant], Attorney Mulcahey received, handled, or utilized confidential and proprietary information regarding [Appellant's] operations and other privileged and confidential business matters.

As a result of his representation of [Appellant], Attorney Mulcahey and by imputation [Munley,] possess intimate knowledge and familiarity with [Appellant's] business and privileged and confidential information as to [Appellant's] practices and litigation strategy and handling ...

*Id.* at 2-4 (paragraph numbering omitted). Further, Martino stated that Mulcahey never notified Appellant about Mulcahey's representation of Darrow, nor did Appellant waive the conflict of interest created by Mulcahey's representation of Darrow. *Id.* at 2.

On August 14, 2017, Darrow, through Mulcahey, filed a response in opposition to Appellant's motion to disqualify, arguing no conflict of interest existed and Mulcahey's representation of Darrow was not improper. Darrow asserted, *inter alia*:

Attorney Mulcahey has not represented [Appellant] in any action involving the subject [utility] pole or electrical wires. As such, Attorney Mulcahey did not obtain any confidential and/or proprietary records that would be beneficial, relevant, or related to the subject matter of this litigation. Attorney Mulcahey's representation of [Appellant] ended almost four years ago. Thus, any alleged confidential or proprietary information that he may have obtained would be obsolete.

Response to Motion to Disqualify, 8/14/17, at ¶ 10.

The trial court heard oral argument on the motion, and on August 9, 2019, granted the motion in part and disqualified Mulcahey from representing Darrow. The court reasoned:

Mulcahey does not deny his prior representation [of Appellant], nor does he dispute that some of the matters involved downed wires from damaged utility poles. Mulcahey does argue, however, that the current case in which he represented [] Darrow is not the "same or a substantially related matter" as envisioned in the Rules of Professional Conduct. [See Pa.R.P.C. 1.9.<sup>1</sup>] Mulcahey explains his rationale by pointing out that

<sup>1</sup> Under Rule 1.9, attorneys owe duties to former clients. "A lawyer who has formerly represented a client in a matter shall not thereafter . . . represent another person in the **same or a substantially related matter** in which that person's interests are materially adverse to the interests of the former client . . ." Pa.R.P.C. 1.9(a) (emphasis added);

the pole at issue in the instant matter in which he represents Darrow is a separate and distinct pole from any of the other [prior] matters in which he represented [Appellant]. Mulcahey's argument here is at best unpersuasive. Nothing is presented by either side here to support even an inkling that this case would not be substantially related to other cases involving downed utility wires.

\* \* \*

The fact that the utility pole in this case was not involved in any of the cases in which Mulcahey previously represented [Appellant] is, quite simply, immaterial. We do not believe that the phrase "substantially related" means that Mulcahey can only be excluded from cases against [Appellant] involving poles which happened also to be the subject of matters defended previously by Mulcahey. That is, quite simply, too narrow.

Opinion and Order, 8/9/19, at 3, 4 (footnote added). However, the trial court found the record was not sufficiently developed to determine whether disqualification of the Munley firm was appropriate under Pennsylvania Rule of Professional Conduct 1.10 (imputed disqualification of a law firm). *See id.* at 4-5 (finding record insufficient "to conclude one way or the other regarding the sufficiency or propriety of any type of screening process employed by the Munley firm"). Thus, the trial court indicated it would schedule an evidentiary hearing on the matter.

Pertinently, Rule 1.10(b) provides:

(b) When a lawyer becomes associated with a firm, the firm may not knowingly represent a person in the same or a substantially related matter in which that lawyer, or a firm with which the lawyer was associated, had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter **unless**:

- (1) **the disqualified lawyer is screened** from any participation in the matter and is apportioned no part of the fee therefrom; and
- (2) **written notice is promptly given** to the appropriate client to enable it to ascertain compliance with the provisions of this rule.

Pa.R.P.C. 1.10(b) (emphasis added); *see also* Pa.R.P.C. 1.0(k) (defining "screened" as "the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law."). **"Confidential information gained by one member of a law firm is imputable to other members of the same law firm."** *Estate of Pew*, 655 A.2d 521, 545 (Pa. Super. 1994) (emphasis added); *see also* Pa.R.P.C. 1.10, cmt. 2 ("The rule of imputed disqualification . . . gives effect to the principle of loyalty to the client as it applies to lawyers who practice in a law firm. Such

<sup>1</sup> continued *see also* Pa.R.P.C. 1.9(c) (stating an attorney with a conflict of interest under this Rule is prohibited from disclosing or using information related to a prior representation). Rule 1.9 explains that matters "are 'substantially related' for purposes of this Rule if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter." Pa.R.P.C. 1.9, cmt. 3.

situations can be considered from the premise that a firm of lawyers is essentially one lawyer for purposes of the rules governing loyalty to the client”).

Notably, in August 2019, two other attorneys from the Munley firm filed an unrelated wrongful death/survival action against Appellant in the Lackawanna County Court of Common Pleas on behalf of Mary Ann Rudalavage (Rudalavage), individually and as administrator of the estate of John Rudalavage.<sup>2</sup> On October 21, 2019, Appellant filed a separate motion to disqualify Munley in the Rudalavage case, arguing Munley failed to establish an adequate and timely screening protocol pursuant to Rule 1.10(b), and Mulcahey’s conflict of interest was imputed to all Munley attorneys.

On January 24, 2020, the trial court held a joint hearing in the Darrow and Rudalavage cases to address Appellant’s respective motions to disqualify the Munley firm. Appellant presented the testimony of Martino and Joel Compton (Compton); Compton previously worked in Appellant’s Office of General Counsel as a Legal Claims Coordinator. Munley, on behalf of Darrow and Rudalavage, presented the testimony of Mulcahey and Maria Elkins (Elkins), Munley’s Chief Operations Officer.

Mulcahey testified that during the 18 years he worked for Lenahan, he served as outside counsel for Appellant. N.T., 1/24/20, at 85. Mulcahey acknowledged handling “as many as 40 or 50 cases” for Appellant while working at Lenahan. *Id.* at 97. On some occasions, Mulcahey collaborated with Martino and Compton in defending Appellant against personal injury lawsuits. *Id.* at 97-98. Mulcahey stated he did not discuss with any of the attorneys at Munley, “proprietary knowledge,” “trial strategies” or “settlement strategies” that Mulcahey may have learned while representing Appellant. *Id.* at 92-93. Mulcahey testified that since his disqualification on August 9, 2019, he had no involvement in the Darrow litigation. *Id.* at 93. On cross-examination, Mulcahey acknowledged he had “gathered a lot of information relevant to the defense of [Appellant’s] casualty cases while [he was] with Lenahan[.]” *Id.* at 97-98. Mulcahey confirmed that prior to his disqualification, he visited the scene of Darrow’s accident with an engineering expert. *Id.* at 113-15; *see also id.* at 116 (Mulcahey testifying he reviewed the police report with the expert). In addition, Mulcahey conceded he never saw a written protocol from Munley concerning a conflict screen, *id.* at 108, 117, nor was any screening protocol in place when Mulcahey filed the action on Darrow’s behalf in June 2017. *Id.* at 113; *see also id.* at 117 (Mulcahey stating he never signed a written screening protocol). Mulcahey testified that Munley created the screen after the trial court’s August 9, 2019 order disqualifying him. *Id.* at 116.

Elkins testified that she had worked for Munley since 2016. *Id.* at 69. Although not a lawyer, she is responsible for the creation, implementation and adherence to firm policies and procedures. *Id.* at 70. Elkins stated she created the screening protocol to preclude Mulcahey’s access to office case files in the Darrow and Rudalavage cases. *Id.* at 71. Elkins elaborated, “**Following the [ ] August 9, 2019 order [disqualifying Mulcahey] . . . , I developed a screening protocol specifically to preclude . . . Mulcahey from accessing any files, information or data in the possession of Munley[.]**” Affidavit, 1/24/20, at ¶ 6 (emphasis added). She testified that the physical case files for both Darrow and Rudalavage are locked in her office. N.T., 1/24/20, at 72. Elkins stated that all staff at Munley have been instructed not to discuss the two cases

<sup>2</sup> Mulcahey did not represent Rudalavage, whose husband was driving on a road owned by Appellant when he was involved in a collision and died as a result.

with Mulcahey, and were advised that doing so could result in disciplinary action, up to and including termination. *Id.* at 73. Further, Elkins explained Mulcahey would not receive any fees in either the Darrow or Rudalavage case. Affidavit, 1/24/20, at ¶ 15. On cross-examination, Elkins acknowledged she is not a lawyer and had never created a screening protocol prior to September 2019, after Mulcahey was disqualified and the screen was implemented. *See* N.T., 1/24/20, at 79-80, 83. Elkins also stated the screening protocol was put in writing; however, she did not produce written evidence of any writing, and there is no written documentation of the screen in the certified record. *Id.* at 81. Elkins testified that none of the attorneys in the Munley firm signed any screening protocol. *Id.*

Next, Appellant presented testimony from Martino, Appellant’s legal operations manager. *Id.* at 21. During Martino’s nearly 18 years of employment with Appellant, she coordinated with outside legal counsel, including Mulcahey, to formulate litigation defense strategy. *Id.* at 22. Martino described the various duties Mulcahey performed when he represented Appellant, which involved analyzing legal claims in personal injury/wrongful death actions, giving recommendations as to liability, propounding discovery, witness preparation, accident site evaluation, and developing settlement strategy. *Id.* at 25-34. Martino testified that Mulcahey had access to Appellant’s proprietary records, internal policies, and other confidential information. *Id.* at 31, 35.

Finally, Compton testified that he had worked for Appellant in its Office of General Counsel. *Id.* at 48; *see also id.* at 49-50 (Compton stating his job responsibilities were similar to those of Martino). Compton also worked with Mulcahey in defending numerous casualty cases. *Id.* at 48, 50.

By memorandum and order entered January 26, 2021, the trial court denied Appellant’s request for disqualification of Munley as to both Darrow and Rudalavage, concluding Munley’s “screening process is adequate.” Memorandum and Order, 1/26/21, at 9. Appellant timely appealed.<sup>3</sup> Both Appellant and the trial court have complied with Pa.R.A.P. 1925.

On appeal, Appellant presents a single issue for our consideration:

DID THE TRIAL COURT ERR IN DENYING THE MOTION TO DISQUALIFY MUNLEY [ ] BECAUSE THE FIRM FAILED TO COMPLY WITH PENNSYLVANIA RULE OF PROFESSIONAL CONDUCT 1.10(B), SINCE IT DID NOT IMPLEMENT A TIMELY OR ADEQUATE ETHICAL SCREEN WITH REGARD TO THE DISQUALIFIED ATTORNEY AND IT DID NOT PROVIDE WRITTEN NOTICE TO THE FORMER CLIENT TO ENABLE IT TO ASCERTAIN COMPLIANCE WITH THE PROVISIONS OF THE RULE?

Appellant’s Brief at 3.

Preliminarily, we observe that an order denying a motion to disqualify a law firm based on conflict of interest is immediately appealable as a collateral order. *Dougherty v. Phila. Newspapers, LLC*, 85 A.3d 1082, 1086 (Pa. Super. 2014); *see also* Pa.R.A.P. 313 (governing collateral orders).

<sup>3</sup> Appellant also appealed the disqualification ruling in Rudalavage’s case; the appeal is before this panel, docketed at No. 237 MDA 2021, and addressed in a separate decision.

Furthermore:

When reviewing a trial court's order on disqualification of counsel, we employ a plenary standard of review. Courts may disqualify attorneys for violating ethical rules. On the other hand, courts should not lightly interfere with the right to counsel of one's choice. Thus, disqualification is appropriate only when both another remedy for the violation is not available and it is essential to ensure that the party seeking disqualification receives the fair trial that due process requires.

*E.R. v. J.N.B.*, 129 A.3d 521, 526 (Pa. Super. 2015) (citation omitted).<sup>4</sup>

Appellant argues the trial court erred in not disqualifying Munley, as the conflict of interest created by Mulcahey's extensive prior representation of Appellant was imputable to the other Munley attorneys, where:

(a) Munley did not establish a screening protocol until the trial court disqualified Mulcahey in August 2019, well after Mulcahey entered his appearance on behalf of Darrow, initiated this action, requested discovery, and viewed the accident scene with an expert;

(b) Munley has never produced a written copy of the purported screening protocol; and

(c) Mulcahey has never seen a writing setting forth a screening protocol, nor have any of the attorneys at Munley signed such a protocol.

See Appellant's Brief at 17-19. Appellant further argues Darrow/Munley failed to comply with the provisions of Pa.R.P.C. 1.10(b)(2) (requiring "written notice [to be] promptly given to the appropriate client to enable it to ascertain compliance with the provisions of this rule."). *Id.* at 29-30.

Our review reveals no precedential Pennsylvania authority with a controlling analysis for the adequacy of a law firm's conflict protocol under Rule 1.10(b). However, numerous non-precedential Pennsylvania decisions have employed the factors identified in *Dworkin v. General Motors Corp.*, 906 F. Supp. 273 (E.D. Pa. 1995)<sup>5</sup> ("Dworkin factors"). *Id.* at 279-80 (adopting the non-exhaustive list of factors enumerated in *Maritrans GP, Inc. v. Pepper, Hamilton & Scheetz*, 602 A.2d 1277, 1289 (Pa. 1992) (Nix, C.J., dissenting)); see also *Rippon v. Rippon*, 2014 Pa. Dist. & Cnty. Dec. LEXIS 1, at \*19 (C.C.P. Dauphin 2014) (applying Dworkin factors);<sup>6</sup> *Royal Bank of Pa. v. Walnut Square Partners*, 2006 WL 771457, at \*3;

<sup>4</sup> Darrow/Munley incorrectly states the applicable standard of review is abuse of discretion. See Darrow Brief at 4-6. Darrow relies on *Commonwealth v. Boring*, 684 A.2d 561, 565 (Pa. Super. 1996) ("As the federal court pointed out, the determination as to whether to disqualify counsel because of a conflict of interest is within the discretion of the trial court." (emphasis added; citation and quotations omitted)). No Pennsylvania case has applied the abuse of discretion standard announced in *Boring*. To the contrary, numerous decisions apply the plenary standard of review. See, e.g., *Weber v. Lancaster Newspapers, Inc.*, 878 A.2d 63, 80 (Pa. Super. 2005) ("When reviewing a trial court's order on disqualification of counsel, we employ a plenary standard of review." (citing *Vertical Res., Inc. v. Bramlett*, 837 A.2d 1193, 1201-02 (Pa. Super. 2003))).

<sup>5</sup> Where we are unable to find Pennsylvania precedent, "we may look to federal case law for its persuasive value." *Beemac Trucking, LLC v. CNG Concepts, LLC*, 134 A.3d 1055, 1061, n.4 (Pa. Super. 2016).

<sup>6</sup> While "decisions of the Court[s] of Common Pleas are not binding precedent[], they may be considered for their persuasive authority." *Wilson v. Parker*, 227 A.3d 343, 356 (Pa. Super. 2020) (citation omitted).

2006 Phila. Ct. Com. Pl. LEXIS 147, at \*8 (C.C.P. Phila. 2006) (same).

Instantly, we, like the trial court, find the *Dworkin* factors valuable and appropriate in examining whether Munley should be disqualified. See Memorandum and Order, 1/26/21, at 3.

The *Dworkin* factors include:

1. the substantiality of the relationship between the attorney and the former client
2. the time lapse between the matters in dispute
3. the size of the firm and the number of disqualified attorneys
4. the nature of the disqualified attorney's involvement
5. the timing of the wall.

*Dworkin*, 906 F. Supp. at 279-80 (quoting *Maritrans*, 602 A.2d at 1289).

The features of the wall itself should also be considered, including:

- a. the prohibition of discussion of sensitive matters
- b. restricted circulation of sensitive documents
- c. restricted access to files
- d. strong firm policy against breach, including sanctions, physical and/or geographical separation[.]

*Id.* at 280 (quoting *Maritrans*, 602 A.2d at 1289).

Finally, the burden of proving compliance with the screening exception of Rule 1.10(b) is on the law firm whose disqualification is sought. See *Dworkin*, 906 F. Supp. at 279; *Rippon*, 2014 Pa. Dist. & Cnty. Dec. LEXIS 1, at \*14-15 (collecting federal cases).

Before analyzing the *Dworkin* factors, we recite below the trial court's verbatim reasoning for declining to disqualify the Munley firm:

In looking at the substantiality of the relationship between the attorney (Mulcahey) and the former client ([Appellant]), while it certainly appears that Mulcahey represented [Appellant] during his time at Lenahan [] on numerous matters, upon closer inspection, a significant number of those matters did not involve the "same or substantially similar" types of cases as are presented in *Darrow*. . . . Additionally, Mulcahey was one of several attorneys in the Lenahan [] firm servicing [Appellant]. . . . Considering the time lapse between the matters in dispute, although the record does not disclose the last [Appellant] case Mulcahey worked on while at Lenahan [], we do know that he joined the Munley firm in February 2014. It also appears that the Munley firm's involvement in

the *Darrow* case commenced shortly before the filing of the writ of summons in 2017. Considering the size of the [Munley] firm and the number of disqualified attorneys, the record suggests the Munley firm consists of ten attorneys, several of whom ha[ve] prosecuted cases against [Appellant] both before and after Mulcahey's association with the Munley firm. In considering the nature of the disqualified attorney's (Mulcahey) involvement, the record reflects that he prepared a request for production of documents in pre-complaint discovery and may have attended discovery court to argue against [Appellant's] objections to his discovery requests prior to the time of his disqualification. . . . **The timing of the wall is troublesome** . . . in the *Darrow* matter. The record reflects that the wall was established **subsequent to** our Opinion and Order in August 2019. The testimony of Andrea Martino<sup>7</sup> reflects that it was put in place in September 2019. This is more than **two years after** the commencement of the *Darrow* matter.

With respect to the features of the wall itself, while they could benefit from some improvements, we find that they pass muster. Andrea Martino testified regarding the prohibition of discussion of sensitive matters, the restriction placed on the circulation of sensitive documents and access to files, and the strong firm policy against breach, including sanctions. In addition, Mulcahey's testimony reflects that he had no discussion with any other members of the Munley firm regarding [the *Darrow* case], and there is nothing in the record to contradict that. . . .

[] Conclusion.

We find Attorney Mulcahey's testimony credible. Additionally, Andrea Martino's skepticism as to whether Mulcahey communicated any inside information from [Appellant] to the Munley firm buttresses Mulcahey's testimony that he has not. Considering all the factors we must, and in light of the testimony of the Munley firm's representative with respect to its screening process, we will not disqualify the Munley firm from pursuing [the *Darrow* case]. We cannot ignore the choice made by [Darrow] . . . to choose [his] counsel. *See* Comment 4 to Pa.R.P.C. 1.9 [(stating, *inter alia*, "the Rule should not be so broadly cast as to preclude other persons from having reasonable choice of legal counsel.")]. We find that Munley [] has met its burden . . . in demonstrating that its screening process is adequate.

Memorandum and Order, 1/26/21, at 7-9 (footnote, italics and emphasis added; citation modified; some capitalization omitted).

Upon review, we disagree with the trial court's weighing of the *Dworkin* factors and address each in turn.

*Factor 1 - Substantiality of the relationship between Mulcahey and Appellant*

There is no question Mulcahey had a substantial relationship with Appellant; he represented, *i.e.*, defended Appellant, in numerous lawsuits over a period spanning nearly

<sup>7</sup> This is the first of the trial court's three incorrect identifications of the witness as Andrea Martino (Appellant's legal operations manager), when the court presumably meant Maria Elkins (Munley's chief operations officer). We italicize the error, which was likely an oversight, although the error could be viewed as a factual finding not supported by the record.

two decades. During that time, Mulcahey was privy to proprietary information, including information pertaining to Appellant's internal operations and litigation strategy. Concerning this factor, Appellant argues:

The trial court's determination, that "while it appears that Attorney Mulcahey represented [Appellant] during his time at Lenahan [] on numerous matters, upon closer inspection, a significant number of those matters did not involve the 'same or substantially similar' types of case as are presented in *Darrow*" [Opinion and Order, 8/9/19, at 7], is both unsupported by the record and conflicts with the trial court's own prior decision to disqualify Attorney Mulcahey from representing [Appellant] in the underlying action.

Appellant's Brief at 23. We agree. As discussed above, in disqualifying Mulcahey, the trial court found "[n]othing is presented by either side here to support even an inkling that this case would not be substantially related to other cases involving downed utility wires." Opinion and Order, 8/9/19, at 3. The record supports this conclusion. *See id.*; *see also* N.T. (motion to disqualify hearing), 1/4/19, at 35 (counsel for Darrow conceding that during Mulcahey's prior representation of Appellant, Mulcahey "worked on other [electrical utility] pole cases"). This factor weighs in favor of disqualification.

*Factor 2 - The time lapse between the instant case and Mulcahey's prior representation of Appellant*

The record indicates a time lapse of approximately 3-4 years between representations. This factor does not weigh in favor of disqualification.

*Factor 3 - Size of Munley and number of disqualified attorneys*

The Munley firm is relatively small, consisting of approximately 10 attorneys. A law firm's small size is "a detriment rather than an asset in implementing an effective screen" because there is more contact between the attorneys. *Dworkin*, 906 F. Supp. at 280 (citation omitted); *see also Royal Bank of Pa.*, 2006 Phila. Ct. Com. Pl. LEXIS 147, at \*9; 2006 WL 771457, at \*3 (relatively small size of 14-attorney firm was a factor in finding screening protocol ineffective). This factor weighs in favor of disqualification.

*Factor 4 - The nature of Mulcahey's involvement*

Mulcahey was counsel of record for Darrow and had significant involvement in the case for more than two years prior to his disqualification in August 2019. Mulcahey filed the action, propounded discovery, communicated with opposing counsel, consulted with an expert, and visited the accident scene with an expert. *See, e.g.*, N.T., 1/24/20, at 113-15; 116. This factor also weighs in favor of disqualification.

*Factor 5 - The timing of the wall*

This factor heavily weighs in favor of disqualification. The trial court correctly described the timing of the wall as "troublesome." The record reveals Munley had no screening protocol in place between the time Mulcahey filed the action in June of 2017 until September 2019. *See id.* at 71-72, 79-80, 116. During that time, Mulcahey performed multiple functions as Darrow's attorney. *Cf. Dworkin*, 906 F. Supp. at 280 (noting importance of screening protocol "at the time when the potentially disqualifying event occurred, either when the attorney first joined the firm or **when the firm accepted a case presenting an ethical problem.**" (emphasis added; citation and quotation marks omitted); *Rippon*, 2014 Pa. Dist. & Cnty. Dec.



LEXIS 1, at \*14 (stating disqualification of law firm employing an attorney with conflict of interest under Rule 1.9 “can be avoided,” pursuant to Rule 1.10(b), “when a proper screen . . . is established **prior to** the arrival of the new attorney at the firm and when it is a formal, **written**, screening procedure.” (emphasis added)).

Final factor – The features of the wall

This factor also favors disqualification. The record establishes that (a) none of the attorneys at Munley, including Mulcahey, signed a written screening protocol (nor has Munley produced a writing); (b) Mulcahey has not seen any writing detailing the screening protocol; and (c) Mulcahey testified, “I don’t know what it [the screening protocol] states[.]” N.T., 1/24/20, at 81, 117; *see also* Pa.R.P.C. 1.0, cmt. 9 (“To implement, reinforce and remind all affected lawyers of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer to avoid any communication with other firm personnel and any contact with any firm files or other information[.]”). Further, Elkins testified she never created a screening protocol prior to this case. N.T., 1/24/20, at 79-80; *see also id.* at 81-82 (Elkins stating she did not review screening requirements prior to establishing the screen).

Considering the above factors, we conclude that Munley has not met its burden of establishing compliance with Rule 1.10(b). Additionally, Munley failed to provide Appellant with prompt written notice that Mulcahey was representing Darrow, in violation of Rule 1.10(b)(2). We find the following rationale persuasive:

A client should not discover from his or her now attorney that his then attorney, with whom he closely worked, is working for the opposition and has not disclosed it. **The lack of disclosure raises a specter of impropriety that no *ex post facto* Chinese Wall can contain.** Put another way, the doubt created by infidelity can never be cured and the court will not instruct a party to overlook it so that a one client may have counsel of his choice, especially when the firm was in a position to avoid the harm complained of.

*Royal Bank of Pa.*, 2006 Phila. Ct. Com. Pl. LEXIS 147, at \*7; 2006 WL 771457, at \*2 (emphasis added); *see also* Pa.R.P.C., Preamble 6 (under the Rules of Professional Conduct, lawyers and judges “should further the public’s . . . confidence in the justice system[.]”).

Accordingly, and for the above reasons, we reverse the denial of Appellant’s motion to disqualify,<sup>8</sup> and remand for the entry of an order precluding Munley and its attorneys from representing Darrow in the underlying litigation.

Order reversed. Case remanded for proceedings consistent with this decision. Jurisdiction relinquished.

P.J. Panella joins the opinion.

P.J.E. Stevens files a dissenting statement.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary

Dated: 12/14/2021

<sup>8</sup> Darrow repeatedly emphasizes that the protracted dispute regarding disqualification of Munley/Mulcahey has significantly delayed Darrow’s case. Nonetheless, we are compelled to disqualify Munley where disqualification is imperative to Appellant’s right to “receive[] the fair trial that due process requires.” *E.R.*, 129 A.3d at 526.

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Beautyge Brands USA, Inc. filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is One New York Plaza, New York, NY 10004. The Commercial Registered Office Provider is in care of CORPORATE CREATIONS NETWORK INC. in the county of Erie. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

Dec. 31

**CERTIFICATE OF AUTHORITY**

Revlon Consumer Products Corporation filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office

under the laws of its jurisdiction is One New York Plaza, New York, NY 10004. The Commercial Registered Office Provider is in care of CORPORATE CREATIONS NETWORK INC. in the county of Erie. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

Dec. 31

**CERTIFICATE OF AUTHORITY**

Roux Laboratories, Inc. filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is One New York Plaza, New York, NY 10004. The Commercial Registered Office Provider is in care of CORPORATE CREATIONS NETWORK INC. in the county of Erie. The Corporation is filed in

compliance with the requirements of the applicable provision of 15 Pa. C.S. 412.

Dec. 31

**DISSOLUTION NOTICE TO ALL CREDITORS OF BOYS & GIRLS BASEBALL IN ERIE, INC.:**

This is to notify you that Boys & Girls Baseball in Erie, Inc., a Pennsylvania non-profit corporation with its registered office located at 1740 West 21st Street, Erie, PA 16502, is dissolving and winding up its business under the provisions of the Nonprofit Corporation Law, as amended.

Elliott J. Ehrenreich, Esq.  
Knox McLaughlin Gornall  
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Dec. 31

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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

**JANUARY 21, 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.

John T. Loomis  
Sheriff of Erie County

Dec. 31 and Jan. 7, 14

**SALE NO. 1**  
**Ex. #12956 of 2016**  
**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO MORTGAGE LOAN TRUST 2006-WF2, Plaintiff**

**v.**  
**MICHAEL D. COLES A/K/A MICHAEL COLES;**  
**MERLIN COLES, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution No. 2016-12956, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO MORTGAGE LOAN TRUST 2006-WF2 v. MICHAEL D. COLES A/K/A MICHAEL COLES; MERLIN COLES, owner(s) of

property situate in the CITY OF ERIE, Erie County, Pennsylvania, being 1110 W. 20TH STREET, ERIE, PA 16502

Tax ID No. 19060033012300  
Improvements thereon:  
RESIDENTIAL DWELLING  
Judgment Amount: \$71,098.46  
Attorneys for Plaintiff  
Brock & Scott, PLLC

Dec. 31 and Jan. 7, 14

**SALE NO. 2**  
**Ex. #11059 of 2021**  
**WELLS FARGO BANK, N.A. AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION, SASCO MORTGAGE LOAN TRUST 1999-BC4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 1999-BC4, Plaintiff**

**v.**  
**ROBERT A. BENSON, JR.;**  
**MICHELLE BENSON,**  
**Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution No. 2021-11059, WELLS FARGO BANK, N.A. AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION, SASCO MORTGAGE LOAN TRUST 1999-BC4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 1999-BC4 v. ROBERT A. BENSON, JR.; MICHELLE BENSON, owner(s) of property situate in the CITY OF CORRY, ERIE County, Pennsylvania, being 716 WEST PLEASANT STREET, CORRY, PA 16407  
Tax ID No. 08034137000100  
Improvements thereon:  
RESIDENTIAL DWELLING  
Judgment Amount: \$28,220.91  
Attorneys for Plaintiff  
Brock & Scott, PLLC

Dec. 31 and Jan. 7, 14

**SALE NO. 3**  
**Ex. #11687 of 2021**  
**LONG TERM CAPITAL PARTNERSHIP V, LLC, Plaintiff**  
**v.**  
**GARY A. DICHTER AKA GARY A. DEICHTER, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution

filed to No. 2021-11687, LONG TERM CAPITAL PARTNERSHIP V, LLC vs. GARY DICHTER AKA GARY A. DEICHTER, owner(s) of the property situated in Erie County, Pennsylvania being 922 JUNIPER DRIVE, GIRARD, PA 16417  
Assessment Map Number: 23004038100800  
Assessed Value Figure: \$99,440.00  
Improvement Thereon:  
A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET, SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Dec. 31 and Jan. 7, 14

**SALE NO. 4**  
**Ex. #10868 of 2019**  
**BAYVIEW LOAN SERVICING, LLC, Plaintiff**  
**v.**  
**AUGUSTUS ALLEN A/K/A GUS ALLEN, Solely in His Capacity as Heir of Barbara J. Jordan, Deceased, VANESSA ALLEN, Solely in Her Capacity as Heir of Barbara J. Jordan, Deceased, The Unknown Heirs of Barbara J. Jordan, Deceased, MONTELE ROBERTS, Solely in His Capacity as Heir of Barbara J. Jordan, Deceased, SHANDRA ROBERTS, Solely in Her Capacity as Heir of Barbara J. Jordan, Deceased and DELMAR TATE A/K/A GUS ALLEN, Solely in His Capacity as Heir of Barbara J. Jordan, Deceased, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10868-19, BAYVIEW LOAN SERVICING, LLC v. AUGUSTUS ALLEN A/K/A GUS ALLEN, Solely in His Capacity as Heir of Barbara J. Jordan, Deceased, VANESSA ALLEN, Solely in Her Capacity as Heir of Barbara J. Jordan, Deceased, MONTELE ROBERTS, Solely in His Capacity as Heir of Barbara J. Jordan, Deceased, SHANDRA ROBERTS, Solely in Her Capacity as Heir of

Barbara J. Jordan, Deceased and  
DELMAR TATE A/K/A GUS  
ALLEN, Solely in His Capacity as  
Heir of Barbara J. Jordan, Deceased,  
owner(s) of the property situated  
in Erie County, Pennsylvania  
being 1701 PLUM STREET,  
1ST FLOOR, ERIE, PA 16502  
Assessment Map Number:  
16030036041100  
Assessed Value Figure: \$26,900.00  
Improvement Thereon:  
A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET,  
SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Dec. 31 and Jan. 7, 14

**SALE NO. 5**

**Ex. #10608 of 2020**  
**LAKEVIEW LOAN**  
**SERVICING, LLC, Plaintiff**  
**v.**  
**JOSEPH D. ZARZECZNY,**  
**Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 10608-20, LAKEVIEW  
LOAN SERVICING, LLC vs.  
JOSEPH D. ZARZECZNY,  
owner(s) of the property situated  
in Erie County, Pennsylvania being  
3263 WEST 12TH STREET, ERIE,  
PA 16505  
Assessment Map Number:  
33035074000200  
Assessed Value Figure: \$102,600.00  
Improvement Thereon:  
A Residential Dwelling  
KML LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
701 MARKET STREET,  
SUITE 5000  
PHILADELPHIA, PA 19106  
(215) 627-1322

Dec. 31 and Jan. 7, 14

**SALE NO. 6**

**Ex. #10353 of 2020**  
**PENNSYLVANIA HOUSING**  
**FINANCE AGENCY, Plaintiff**  
**v.**  
**CHRISTY M. MANN, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution No.  
2020-10353, PENNSYLVANIA

HOUSING FINANCE AGENCY,  
Plaintiff vs. CHRISTY M. MANN,  
Defendant  
Real Estate: 963 WEST 25TH  
STREET, ERIE, PA 16502  
Municipality: City of Erie  
Erie County, Pennsylvania  
Dimensions: 30 x 70  
Deed Book/Inst#: 2003-000238  
Tax I.D. (19) 6028-122  
Assessment: \$9,100 (Land)  
\$49,060 (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

Dec. 31 and Jan. 7, 14

**SALE NO. 7**

**Ex. #10660 of 2020**  
**PENNSYLVANIA HOUSING**  
**FINANCE AGENCY, Plaintiff**  
**v.**  
**AMY R. BRZEZINSKI**  
**AND THE SECRETARY OF**  
**HOUSING AND URBAN**  
**DEVELOPMENT, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution No.  
2020-10660, PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
Plaintiff vs. AMY R. BRZEZINSKI  
AND THE SECRETARY OF  
HOUSING AND URBAN  
DEVELOPMENT, Defendants  
Real Estate: 1455 WEST 34TH  
STREET, ERIE, PA 16508  
Municipality: 6th Ward - City of Erie  
Erie County, Pennsylvania  
Dimensions: 50 x 160  
Deed Book/Inst#: 2012-010295  
Tax I.D. (19) 6136-128  
Assessment: \$28,400 (Land)  
\$69,020 (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

Dec. 31 and Jan. 7, 14

**SALE NO. 8**  
**Ex. #13097 of 2019**  
**The Bank of New York Mellon**  
**f/k/a The Bank of New York as**  
**Trustee for Nationstar Home**  
**Equity Loan Trust 2007-A,**  
**Plaintiff**  
**v.**

**Stephen R. Wagner, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed  
to No. 2019-13097, The Bank of  
New York Mellon f/k/a The Bank of  
New York as Trustee for Nationstar  
Home Equity Loan Trust 2007-A  
vs. Stephen R. Wagner, owner(s) of  
property situated in the City of Erie,  
Erie County, Pennsylvania being  
731 East 23rd Street, Erie, PA 16503  
0.2727  
Assessment Map number:  
18050030010700  
Assessed Value figure: \$47,100.00  
Improvement thereon: a residential  
dwelling  
LOGS Legal Group LLP  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Dec. 31 and Jan. 7, 14

**SALE NO. 9**

**Ex. #10235 of 2018**  
**Nationstar Mortgage LLC d/b/a**  
**Mr. Cooper, Plaintiff**  
**v.**  
**Raymond T. Chorney,**  
**Administrator of the Estate of**  
**Richard Chorney aka Richard**  
**A. Chorney aka Richard Allan**  
**Chorney, deceased, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 2018-10235, Nationstar  
Mortgage LLC d/b/a Mr. Cooper vs.  
Raymond T. Chorney, Administrator  
of the Estate of Richard Chorney  
aka Richard A. Chorney aka  
Richard Allan Chorney, deceased,  
owner(s) of property situated in  
the Township of Fairview, Erie  
County, Pennsylvania being  
7216 Sterrettania Road, Fairview,  
PA 16415  
2.1200  
Assessment Map number:  
21070126000800  
Assessed Value figure: \$100,400.00

Improvement thereon: a residential  
dwelling  
LOGS Legal Group LLP  
KRISTEN D. LITTLE, ESQ.  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Dec. 31 and Jan. 7, 14

**SALE NO. 10**

**Ex. #10749 of 2019**  
**Plaza Home Mortgage Inc.,**  
**Plaintiff**  
**v.**

**Matthew J. Suscheck, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 2019-10749, Plaza  
Home Mortgage Inc. vs. Matthew  
J. Suscheck, owner(s) of property  
situated in the Township of  
Springfield, Erie County,  
Pennsylvania being 13853 Ridge  
Road, West Springfield, PA 16443  
0.6977  
Assessment Map number:  
(39) 015-042.0-007.00.  
Assessed Value figure: \$78,800.00  
Improvement thereon: a residential  
dwelling  
LOGS Legal Group LLP  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Dec. 31 and Jan. 7, 14

**SALE NO. 11**

**Ex. #11187 of 2019**  
**Nationstar Mortgage LLC d/b/a**  
**Mr. Cooper, Plaintiff**  
**v.**

**David A. McMutrie and**  
**Elizabeth A. McMutrie,**  
**Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 2019-11187, Nationstar  
Mortgage LLC d/b/a Mr. Cooper vs.  
David A. McMutrie and Elizabeth  
A. McMutrie, owner(s) of property  
situated in Millcreek, Erie County,  
Pennsylvania being 3456 West 42nd  
Street, Erie, PA 16506  
.1843  
Assessment Map number:  
33-083-402.0-001.02  
Assessed Value figure: \$150,840.00

Improvement thereon: a residential  
dwelling  
LOGS Legal Group LLP  
Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Dec. 31 and Jan. 7, 14

**SALE NO. 12**

**Ex. #11551 of 2021**  
**U.S. Bank National Association,**  
**not in its individual capacity but**  
**solely as Trustee for the CIM**  
**Trust 2018-R3 Mortgage backed**  
**notes, series 2018-R3, Plaintiff**  
**v.**

**Elaine Beall, AKA**  
**Elaine A. Beall, Defendant**  
**DESCRIPTION**  
By virtue of a Writ of Execution filed  
to No. 2021-11551, U.S. Bank National  
Association, not in its individual  
capacity but solely as Trustee for the  
CIM Trust 2018-R3 Mortgage backed  
notes, series 2018-R3 vs. Elaine Beall,  
AKA Elaine A. Beall, owner(s) of  
property situated in the City of Erie,  
Erie County, Pennsylvania being  
2922 Cascade Street, Erie, PA 16508  
0.0517  
Assessment Map Number:  
19060038030100  
Assessed Value figure: \$65,830.00  
Improvement thereon: Single  
Family Dwelling  
Joseph E. DeBarberie, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Dec. 31 and Jan. 7, 14

**SALE NO. 13**

**Ex. #12369 of 2019**  
**Wilmington Savings Fund Society,**  
**FSB, As Trustee Of Stanwich**  
**Mortgage Loan Trust I, Plaintiff**  
**v.**

**Pamela A. Williams, AKA**  
**Pamela Williams, Defendant**  
**DESCRIPTION**  
By virtue of a Writ of Execution filed  
to No. 2019-12369, Wilmington  
Savings Fund Society, FSB, As  
Trustee Of Stanwich Mortgage  
Loan Trust I vs. Pamela A. Williams,  
AKA Pamela Williams, owner(s)  
of property situated in the City of

Erie, Erie County, Pennsylvania  
being 350 West 22nd Street, Erie,  
PA 16502  
.1240  
Assessment Map Number:  
19060010011800  
Assessed Value figure: \$74,800.00  
Improvement thereon: Single  
Family Dwelling  
Joseph E. DeBarberie, Esquire  
Manley Deas Kochalski LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Dec. 31 and Jan. 7, 14

**SALE NO. 14**

**Ex. #10271 of 2020**  
**Deutsche Bank National Trust**  
**Company, as Trustee for First**  
**Franklin Mortgage Loan Trust**  
**2006-FF11, Mortgage**  
**Pass-Through certificates**  
**Series 2006-FF11, Plaintiff**  
**v.**

**James A. Andre, deceased;**  
**George Andre, as known heir,**  
**Teresa Andre, as known heir and**  
**Unknown heirs to the Estate of**  
**James A. Andre, Defendants**  
**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 10271-2020, Deutsche  
Bank National Trust Company, as  
Trustee for First Franklin Mortgage  
Loan Trust 2006-FF11, Mortgage  
Pass-Through certificates Series  
2006-FF11 vs. James A. Andre,  
deceased; George Andre, as known  
heir, Teresa Andre, as known heir  
and Unknown heirs to the Estate of  
James A. Andre  
James A. Andre, Deceased et al,  
owner(s) of property situated in  
the City of Erie, Erie County,  
Pennsylvania being 433 W. 9th  
Street, Erie PA 16502  
2,338 square feet  
Assessment Map number:  
16030025011500  
Assessed Value figure: \$65,790.00  
Patrick J. Wesner, Esquire  
9000 Midlantic Drive, Ste. 300  
Mt. Laurel, NJ 08054  
856-810-5815

Dec. 31 and Jan. 7, 14



**SALE NO. 15**  
**Ex. #11025 of 2021**  
**NEWREZ LLC D/B/A**  
**SHELLPOINT MORTGAGE**  
**SERVICING, Plaintiff**  
**v.**  
**JOHN SIMOS A/K/A**  
**JOHN STAMOS, Defendant(s)**

**DESCRIPTION**  
ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 2725 W. 13TH ST., ERIE, PA 16505 BEING PARCEL NUMBER: 33033187001500 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

Dec. 31 and Jan. 7, 14

**SALE NO. 16**  
**Ex. #10804 of 2010**  
**SPECIALIZED LOAN**  
**SERVICING LLC, Plaintiff**  
**v.**  
**CAROL BAEZA, Defendant(s)**

**DESCRIPTION**  
ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 611 EAST 8TH STREET, ERIE, PA 16503 BEING PARCEL NUMBER: 15-020-031.0-212.00 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

Dec. 31 and Jan. 7, 14

**SALE NO. 17**  
**Ex. #11763 of 2020**  
**WELLS FARGO BANK,**  
**NATIONAL ASSOCIATION**  
**AS TRUSTEE FOR OPTION**  
**ONE MORTGAGE LOAN**  
**TRUST 2005-3, ASSET-BACKED**  
**CERTIFICATES, SERIES 2005-3,**  
**Plaintiff**  
**v.**  
**APRIL GODEL, in her capacity**  
**as Heir of MARK N. BEERS**  
**A/K/A MARK NOAL BEERS,**  
**Deceased, Defendant(s)**

**DESCRIPTION**  
ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE BOROUGH OF PLATEA, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 9984 PEACH ST., GIRARD, PA 16417 BEING PARCEL NUMBER: 38009006001800 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

Dec. 31 and Jan. 7, 14

**SALE NO. 18**  
**Ex. #10352 of 2021**  
**U.S. BANK NATIONAL**  
**ASSOCIATION, AS TRUSTEE**  
**FOR STRUCTURED ASSET**  
**SECURITIES CORPORATION**  
**MORTGAGE PASS-THROUGH**  
**CERTIFICATES, SERIES**  
**2007-BC4, Plaintiff**  
**v.**  
**JENNIFER KENNY, IN HER**  
**CAPACITY AS HEIR OF**  
**KEVIN J. KENNY; ADAM**  
**KENNY, IN HIS CAPACITY**  
**AS HEIR OF KEVIN J.**  
**KENNY; UNKNOWN HEIRS,**  
**SUCCESSORS, ASSIGNS AND**  
**ALL PERSONS, FIRMS OR**  
**ASSOCIATIONS CLAIMING**  
**RIGHT, TITLE OR INTEREST**  
**FROM OR UNDER KEVIN J.**  
**KENNY, Defendant(s)**

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 5429 MILL STREET, ERIE, PA 16509 BEING PARCEL NUMBER: 33145619402500 IMPROVEMENTS: RESIDENTIAL PROPERTY Robertson, Anschutz, Schneid, Crane & Partners, PLLC

**DESCRIPTION**  
ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE CITY OF ERIE, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 457 W. 28TH ST., ERIE, PA 16508 BEING PARCEL NUMBER: 19060047010800 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

Dec. 31 and Jan. 7, 14

**SALE NO. 19**  
**Ex. #10748 of 2020**  
**NATIONSTAR MORTGAGE**  
**LLC D/B/A CHAMPION**  
**MORTGAGE COMPANY,**  
**Plaintiff**  
**v.**  
**GREG J. JANULESKI, IN**  
**HIS CAPACITY AS HEIR OF**  
**CAROLYN J. POTOCKI A/K/A**  
**CAROLYN POTOCKI A/K/A**  
**CAROLYN JEAN FARINA**  
**POTOCKI, DECEASED;**  
**UNKNOWN HEIRS,**  
**SUCCESSORS, ASSIGNS, AND**  
**ALL PERSONS, FIRMS, OR**  
**ASSOCIATIONS CLAIMING**  
**RIGHT, TITLE OR INTEREST**  
**FROM OR UNDER CAROLYN**  
**J. POTOCKI A/K/A CAROLYN**  
**POTOCKI A/K/A CAROLYN**  
**JEAN FARINA POTOCKI,**  
**DECEASED, Defendant(s)**

**DESCRIPTION**  
ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 5429 MILL STREET, ERIE, PA 16509 BEING PARCEL NUMBER: 33145619402500 IMPROVEMENTS: RESIDENTIAL PROPERTY Robertson, Anschutz, Schneid, Crane & Partners, PLLC

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF MILLCREEK, ERIE COUNTY, PENNSYLVANIA: BEING KNOWN AS: 5429 MILL STREET, ERIE, PA 16509 BEING PARCEL NUMBER: 33145619402500 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

Dec. 31 and Jan. 7, 14

**SALE NO. 20**  
**Ex. #12745 of 2019**  
**Wilmington Savings Fund**  
**Society et. al, Plaintiff**  
**v.**  
**Brigitta A. Francoeur and**  
**Daniel Francoeur, Defendants**

**DESCRIPTION**  
By virtue of a Writ of Execution filed to No. 12745-2019, Wilmington Savings Fund Society et.al vs. Brigitta A. Francoeur and Daniel Francoeur, owner(s) of property situated in the Township of Millcreek, Erie County, Pennsylvania being 529 Megan Court, Erie, PA 16509 529 MEGAN CT LOT 5985.69 X 152.65 Assessment Map number: 33192628502800 Assessed Value figure: \$304,180 Improvement thereon: Residential Single Dwelling Stern & Eisenberg, P.C Andrew J. Marley, Esquire 1581 Main Street, Suite 200 Warrington, PA 18976

Dec. 31 and Jan. 7, 14

**SALE NO. 21**  
**Ex. #12876 of 2017**  
**Wells Fargo Bank, National**  
**Association as Trustee for Option**  
**One Mortgage Loan Trust 2007-4,**  
**Asset-Backed Certificates, Series**  
**2007-4, Plaintiff**  
**v.**  
**Michelle M. Prozan and**  
**Troy C. Prozan, Defendants**

**DESCRIPTION**  
By virtue of a Writ of Execution filed to No. 12876-17, Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2007-4, Asset-Backed Certificates, Series 2007-4 v. Michelle M. Prozan and Troy C. Prozan, owner(s) of property situated in the Township of Millcreek, Erie County, Pennsylvania being

2862 West 33rd Street, Erie, PA 16506 2862 W. 33 ST. 60 X 140 Assessment Map number: 33072331004200 Assessed Value figure: \$114,200 Improvement thereon: N/A STERN & EISENBERG, PC ANDREW J. MARLEY, ESQUIRE 1581 MAIN STREET, SUITE 200 THE SHOPS AT VALLEY SQUARE WARRINGTON, PA 18976 (215) 572-8111

Dec. 31 and Jan. 7, 14

**SALE NO. 22**  
**Ex. #11026 of 2021**  
**Wilmington Savings Fund**  
**Society, FSB, d/b/a Christiana**  
**Trust, not individually but as**  
**trustee for Pretium Mortgage**  
**Acquisition Trust, Plaintiff**  
**v.**  
**Sheila A. Kurylek, Defendant**

**DESCRIPTION**  
By virtue of Writ of Execution No. 11026-21, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust v. Sheila A. Kurylek, 3522 Colonial Avenue, Millcreek Township, Erie, PA 16506, Tax Parcel No. 330633580000800. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$110,316.49. Attorneys for Plaintiff: Andrew J. Marley, Esquire Stern & Eisenberg, PC 1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976 (215) 572-8111

Dec. 31 and Jan. 7, 14

**SALE NO. 23**  
**Ex. #10393 of 2021**  
**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**  
**2004-3, Plaintiff**

**v.**  
**David A. Lane and**  
**Richanne M. Kirsch, Defendants**  
**DESCRIPTION**

By virtue of Writ of Execution No. 2021-10393, 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 2004-3 v. David A. Lane and Richanne M. Kirsch, 12440 West Ridge Road, Township of Springfield, East Springfield, PA 16411, Tax Parcel No. 39017053000300. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$65,086.46. Attorneys for Plaintiff: Kenya Bates, Esquire Stern & Eisenberg, PC 1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976 (215) 572-8111

Dec. 31 and Jan. 7, 14

**SALE NO. 24**  
**Ex. #11154 of 2021**  
**Deutsche Bank National Trust**  
**Company, as Trustee for Argent**  
**Securities Inc., Asset-Backed**  
**Pass-Through Certificates, Series**  
**2005-W2, Plaintiff**  
**v.**  
**Sid Michael a/k/a**  
**Sidney R. Michael, Defendant**

**DESCRIPTION**  
By virtue of Writ of Execution No. 11154-21, Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-W2 v. Sid Michael a/k/a Sidney R. Michael, 1117 West 37th Street, Erie, PA 16508, Tax Parcel No. 19061028011100. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$108,959.87. Attorneys for Plaintiff: Andrew J. Marley, Esquire Stern & Eisenberg, PC



1581 Main Street, Suite 200  
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Warrington, PA 18976  
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Dec. 31 and Jan. 7, 14

**SALE NO. 25**

**Ex. #10468 of 2020**

**U.S. Bank National Association,  
as Trustee for Residential Asset  
Securities Corporation, Home  
Equity Mortgage Asset-Backed  
Pass-Through Certificates, Series  
2007-KS2, Plaintiff**

**v.**

**Carol G. Oakes and  
Charles L. Oakes, Defendants  
DESCRIPTION**

By virtue of Writ of Execution  
No. 10468-2020, U.S. Bank  
National Association, as Trustee  
for Residential Asset Securities  
Corporation, Home Equity  
Mortgage Asset-Backed Pass-

Through Certificates, Series  
2007-KS2 v. Carol G. Oakes and  
Charles L. Oakes, 3307 Court  
Street, Millcreek Township,  
Erie, PA 16506, Tax Parcel No.  
33074310001000. Improvements  
thereon consisting of a Residential  
Dwelling, sold to satisfy judgment  
in the amount of \$127,118.37.  
Attorneys for Plaintiff:  
Edward J. McKee, Esquire  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
(215) 572-8111

Dec. 31 and Jan. 7, 14

**SALE NO. 26**

**Ex. #12899 of 2019**

**Pennsylvania Housing Finance  
Agency, Plaintiff  
v.**

**Elizabeth E. Andres, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution  
filed to No. 12899-19, Pennsylvania  
Housing Finance Agency vs.  
Elizabeth E. Andres, owner of  
property situated in the City of Erie,  
Erie County, Pennsylvania being:  
340 E. 29th Street, Erie, PA 16504  
Dimensions: Square Feet: 2,046  
Acreage: 0.2479  
Assessment Map Number:  
(18) 5079-236  
Assess Value figure: \$92,740.00  
Improvement thereon:  
Single Family Dwelling  
Lois M. Vitti, Esquire  
Attorney for Plaintiff  
663 Fifth Street  
Oakmont, PA 15139  
(412) 281-1725

Dec. 31 and Jan. 7, 14

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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**

**AGUIRRE-SAILOR, DARCI L., a/k/a DARCI L. AGUIRRE, a/k/a DARCI LYNN AGUIRRE, a/k/a DARCI AGUIRRE, deceased**

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

*Co-administrators:* Shayne Renuad and Alexander Aguirre, c/o 337 West 10th Street, Erie, PA 16502

*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

**BRZOZOWSKI, EDWARD F., deceased**

Late of Greene Township, Erie County

*Executor:* William B. Brzozowski, Jr.

*Attorney:* Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**FALCONE, MILDRED E., deceased**

Late of the City of Corry, County of Erie

*Co-executors:* James D. Falcone and Mary T. Johnson

*Attorney:* Joan M. Fairchild, Esq., 132 N. Center St., Corry, PA 16407

**GAVIN, VERNON KURT, a/k/a VERNON K. GAVIN, deceased**

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

*Co-administratrices:* Veronica Gavin-Brown and Valencia Wilson, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**KALLGREN, WENDY G., deceased**

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

*Executor:* William H. Eidenmuller, 1017 Copper Drive, Erie, PA 16509

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

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

Late of the City of Erie, County of Erie

*Executrix:* Brittanie Wright, c/o Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506

*Attorney:* Barbara J. Welton, Esquire, 2530 Village Common Drive, Suite B, Erie, PA 16506

**PETERSON, LARRY E., deceased**

Late of North East Township, Erie County

*Administrator c.t.a.:* Sandra L. McConahy

*Attorney:* Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**PETERSON, ROBERT W., a/k/a ROBERT PETERSON, deceased**

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

*Executrix:* Susan K. Long, c/o 337 West 10th Street, Erie, PA 16502

*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

**PETRONE, CHERYL L., a/k/a CHERYL PETRONE, a/k/a CHERYL LYNN PETRONE, deceased**

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

*Executor:* Rev. Joseph A. Petrone, Jr., 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

**PUSATERI-BOVA, LAURAJEAN, a/k/a LAURA JEAN PUSATERI, a/k/a LAURA JEAN BOVA, deceased**

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

*Executor:* Frank S. Pusateri, c/o 337 West 10th Street, Erie, PA 16502

*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

**SODER, ROBERT J., a/k/a ROBERT SODER, deceased**

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

*Executor:* Robert D. Soder, 8455 Wattsburg Road, Erie, PA 16509

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

**SWIFT, TIM E., a/k/a TIM EDWIN SWIFT, deceased**

Late of the Township of North East, County of Erie, Commonwealth of Pennsylvania

*Administratrix:* Sharon L. Swift, c/o Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428

*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428

**WASSELL, CATHERINE, deceased**

Late of the City of Erie, Erie County, Pennsylvania

*Executor:* Mark T. Wassell, 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

**WELCH, JOAN M., deceased**

Late of the City of Erie, Erie County, Pennsylvania

*Executor:* Thomas H. Welch, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501

*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**YOCHIM, KARENA., deceased**

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

*Administrator:* Charles Eisenring, c/o Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

*Attorney:* Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

**SECOND PUBLICATION**

**BENES, KATHYLEEN, a/k/a KATHYLEEN A. BENES, deceased**

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

*Executor:* William Benes, 4403 Carney Avenue, Erie, PA 16510

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

**BERNHARD, MARILYN, deceased**

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

*Co-executors:* Mark C. Bernhard and Janet B. Hood, c/o Thomas E. Shea, Esquire, Stern & Eisenberg, PC, 1581 Main Street, Suite 200, Warrington, PA 18976

*Attorney:* Thomas E. Shea, Esquire, Stern & Eisenberg, PC, 1581 Main Street, Suite 200, Warrington, PA 18976

**BIBY, NORMA E., a/k/a NORMA ELIZABETH BIBY, deceased**

Late of Erie, Erie County, Pennsylvania

*Executor:* Russell D. Biby, c/o Jeffrey A. Misko, Esquire, P.O. Box 9542, Erie, Pennsylvania 16505-8542

*Attorney:* Jeffrey A. Misko, Esquire, P.O. Box 9542, Erie, Pennsylvania 16505-8542

**BREI, DONALD M., a/k/a DONALD BREI, a/k/a DONALD MICHAEL BREI, deceased**

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

*Executrix:* Betty L. Brei

*Attorney:* Craig A. Zonna, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**CROCKER, ELAINE A., a/k/a ELAINE AUGUSTA CROCKER, a/k/a ELAINE CROCKER, deceased**

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

*Executor:* John W. Riley, Jr., 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

**CROCKER, KEITH L., a/k/a KEITH LEROY CROCKER, a/k/a KEITH CROCKER, deceased**

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

*Executor:* 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

**EHRHART, RYAN M., deceased**

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

*Administratrix:* JoJean Ehrhart, c/o Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

*Attorney:* Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

**FLATLEY, JOHN L., a/k/a  
JOHN FLATLEY,  
deceased**

Late of the Township of Harbors Creek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Jennifer Winters, 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

**KOMOREK, DOROTHY R.,  
deceased**

Late of Erie County  
*Executor:* Joseph J. Komorek, Jr., 2004 East Gore Road, Erie, PA 16510  
*Attorney:* David J. Mack, 510 Parade Street, Erie, PA 16507

**MANAFO, MICHAEL J.,  
deceased**

Late of the Borough of Wesleyville, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Alice L. Manafio  
*Attorney:* David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**MEDINA, PATRICK BRIAN,  
a/k/a PATRICK B. MEDINA,  
deceased**

Late of the City of Erie, Erie County  
*Administrator c.t.a.:* Alihandro Velez  
*Attorney:* Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**PARTCH, HAROLD E.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Jill A. Wells, 6950 Belle Rd., Harbors Creek, PA 16421  
*Attorney:* Jeffrey G. Herman, Esq., HERMAN & HERMAN, 114 High Street, PO BOX 455, Waterford, PA 16441

**STACK, RICHARD A.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Daniel E. Magraw, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Kevin M. Monahan, Esq., MARSH SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**TERRIZZI, JAMES V., SR.,  
deceased**

Late of Mill Creek Township, Erie County, Pennsylvania  
*Co-executors:* Randal Terrizzi and Barbara Terrizzi, 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

**WIECZOREK, WALTER J., JR.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Tammy Ropelewski, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**THIRD PUBLICATION****ALLGEIER, KAYLA D.,  
deceased**

Late of Greene Township, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Kristian Carlson, c/o Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501  
*Attorney:* Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

**ALTSMAN, ROBERT J., JR.,  
a/k/a ROBERT J. ALTSMAN,  
a/k/a ROBT ALTSMAN,  
a/k/a R J ALTSMAN,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Tammy L. Altzman, 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

**BEDOW, SHARON,  
deceased**

Late of Amity Township, County of Erie, Pennsylvania  
*Executor:* Stephen A. Fox, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

**BROOKS, ROSE M.,  
deceased**

Late of Greene Township, Erie County, Waterford, PA  
*Executrix:* Rose A. Baybrook, 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

**BURNS, FORREST D.,  
deceased**

Late of Wesleyville Borough, Erie County, Pennsylvania  
*Co-executors:* Dawn Ellen Burns and Dale Edward Burns, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BURROWS, IDA M.,  
deceased**

Late of the City of Corry, County of Erie, Pennsylvania  
*Co-executors:* Barbara Nichols and Larry Burrows, 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

**DeMARCO, DOLORES A., a/k/a  
DOLORES W. DeMARCO,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Ross Walter, 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

**GORMAN, DONALD E.,  
deceased**

Late of Mill Creek Township, Erie County, Pennsylvania  
*Executrix:* Roberta L. Gorman, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KRUSE, FREDERICK,  
deceased**

Late of the Township of Fairview, Erie County, Pennsylvania  
*Executor:* David Kruse, 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

**MILNE, MICHELE M.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Becky L. Larson, 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

**MORTON, LINDA L.,  
deceased**

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

**PLUCINSKI, KENNETH JAMES,  
a/k/a KENNETH J. PLUCINSKI,  
a/k/a KENNETH PLUCINSKI,  
deceased**

Late of the Township of North East, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Matthew J. Plucinski, c/o Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428

**RAPHEAL, ROBERT, a/k/a  
ROBERT E. RAPHEAL,  
deceased**

Late of Mill Creek Township, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Diane Schertzer, 4340 Madeira Court, Sarasota, Florida 34233-5027  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**RAZANAUSKAS, CHRISTIAN L.,  
a/k/a CHRISTIAN LIDANO  
RAZANAUSKAS,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Valentina Kontis, 2420 Haybarger Avenue, Erie, Pennsylvania 16502-2143  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**TRIANA, JOSEPH WILLIAM,  
a/k/a JOSEPH W. TRIANA, a/k/a  
JOSEPH TRIANA,  
deceased**

Late of the Boro of North East, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Theresa M. Triana-Bennardo, c/o Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428  
*Attorney:* Leigh Ann Orton, Esquire, Orton & Orton, 68 East Main Street, North East, PA 16428

**WYKOFF, ANNE M., a/k/a  
ANNE MARIE WYKOFF, a/k/a  
ANNE WYKOFF,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Gregory Wykoff, 4111 Dominion Drive, Erie, PA 16510  
*Attorney:* None

December 31, 2021

## LOOKING FOR ESTATE NOTICES

### OR OTHER LEGAL NOTICES REQUIRING PUBLICATION IN A PA LEGAL JOURNAL?

Go to [www.palegalads.org](http://www.palegalads.org)

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**Some states seek to eliminate racial bias in jury selection with peremptory-challenge changes** - And in one case, eliminating them altogether — in an effort to eliminate racial bias in jury selection. Peremptory challenges are used to eliminate jurors without cause. The U.S. Supreme Court ruled in a 1986 decision, *Batson v. Kentucky*, that such challenges cannot be based on intentional racial discrimination. The momentum for change began when Washington enacted a new rule in 2018. It said judges shall deny a peremptory challenge if an “objective observer” would view race or ethnicity as a factor in its use. Read more ... <https://www.abajournal.com/news/article/some-states-seek-to-eliminate-racial-bias-in-jury-selection-with-peremptory-challenge-changes>

**ADA lawsuit over Philadelphia’s sidewalks heading to trial in February** - Litigation between a group of plaintiffs and the City of Philadelphia, over claims the City failed to maintain its sidewalks to provide proper access to disabled citizens in violation of the Americans with Disabilities Act of 1990, will be heading to trial in February. Read more ... <https://pennrecord.com/stories/616108771-ada-lawsuit-over-philadelphia-s-sidewalks-heading-to-trial-in-february>

**Costly collisions: a small-town personal injury case sends a powerful message to the trucking industry** - In Gadsden County, Florida, last October, six jurors and an alternate settled in for a long day in front of their home computers and mobile devices to hear a personal injury case. Among them was a pastor, a chiropractor and a state government worker. The judge, presiding from his computer inside the century-old Gadsden County courthouse in downtown Quincy, population about 7,000, asked everyone to be ready for the Zoom trial by 8:30 a.m. Across the street in a rented office, the plaintiff’s legal team flipped open their laptops and prepared to make their arguments. One of the plaintiff’s attorneys was Ben Crump, who at the time was juggling some of the nation’s highest-profile civil rights cases on behalf of families whose loved ones were killed by police. Crump had come back to his home base in Tallahassee to represent Duane Washington, a retired Army veteran and software tester who was permanently injured when he crashed his motorcycle during a 45-vehicle pileup on a Florida highway. Read more ... <https://www.abajournal.com/magazine/article/a-small-town-personal-injury-case-sends-a-powerful-message-to-the-trucking-industry>

**Constitutional rights claims withdrawn from teenager’s Snapchat lawsuit against Ambridge Area School District** - A 14-year-old African-American and special needs student at Ambridge High School who claims he was kicked off the football team for participating in an angry exchange with a teammate who had bullied him on Snapchat, has withdrawn claims alleging his constitutional rights were violated. Read more ... <https://pennrecord.com/stories/615848850-constitutional-rights-claims-withdrawn-from-teenager-s-snapchat-lawsuit-against-ambridge-area-school-district>



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