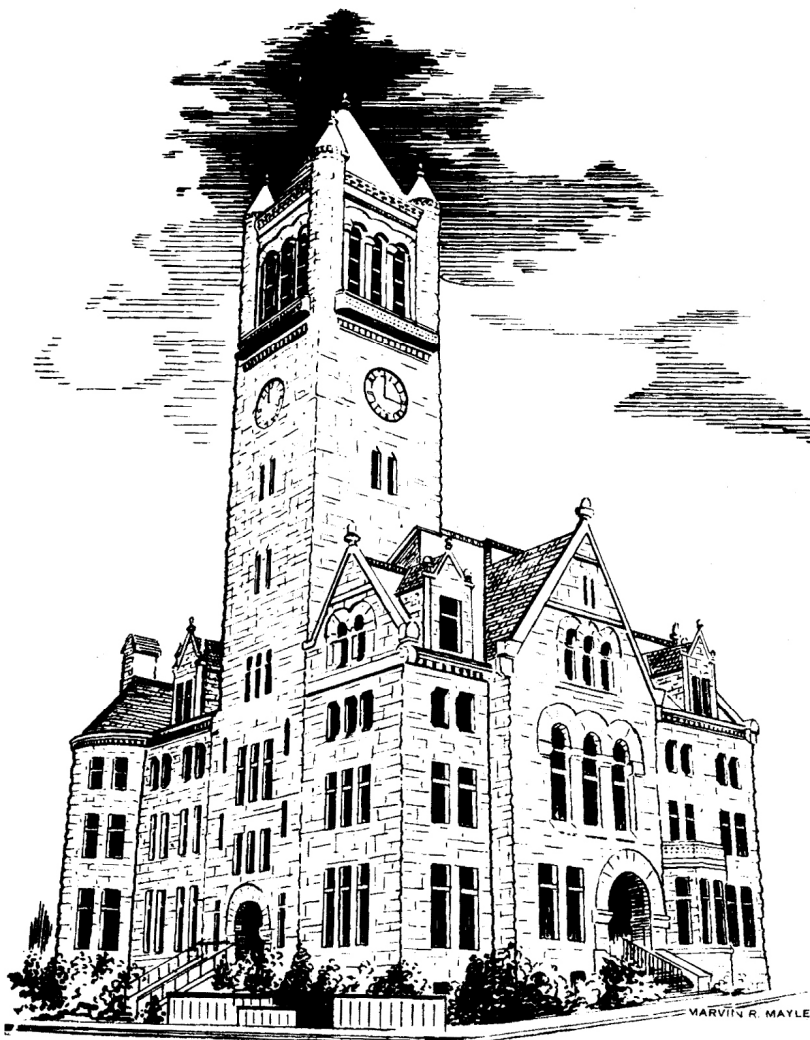


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

SARA M. HENRY, a/k/a SARAH M. HENRY, a/k/a SARA HENRY, late of Saltlick Township, Fayette County, PA ⁽³⁾

Executrix: Thelma L. McClain
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

HELEN OHLER, a/k/a HELEN K. OHLER, late of Bullskin Township, Fayette County, PA

Executor: Scott J. Ohler ⁽³⁾
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

NELLIE M. SARVER, late of Markleysburg, Fayette County, PA ⁽³⁾

Administrator: Ricky S. Butler
c/o 2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

KATHRYN V. SEIGHMAN, a/k/a KATHERINE SEIGHMAN, a/k/a KATHRYN SEIGHMAN, late of North Union Township, Fayette County, PA ⁽³⁾

Executor: Thomas A. Novak
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

RONALD SOTTA, a/k/a RONALD C. SOTTA, late of Washington Township, Fayette County, PA ⁽³⁾

Executor: P. Joseph Grata
228 Second Avenue
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

WAYNE RAYMOND THISTLETHWAITE, a/k/a WAYNE R. THISTLETHWAITE, late of Luzerne Township, Fayette County, PA ⁽³⁾

Executor: Raymond D. Popp
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

PAMELA K. WILLIAMS, late of Washington Township, Fayette County, PA ⁽³⁾

Administrator: Preston D. Williams
125 Dinsmore Street
Belle Vernon, PA 15012
c/o P.O. Box 1
401 Sixth Street at Washington Avenue
Charleroi, PA 15022
Attorney: Alan Benyak

Second Publication

MIRIAM FIKE, late of North Union Township, Fayette County, PA ⁽²⁾

Executrix: Brenda A. Alicastro
116 Short Road
Markleysburg, PA 15149
c/o P.O. Box 14
Murrysville, PA 15668
Attorney: Robert C. Klingensmith

MARY CATHERINE JENKINS, late of Georges Township, Fayette County, PA ⁽²⁾

Administrator: Michael Jenkins
c/o Adams & Adams
55 East Church Street, Suite 101
Attorney: Jason F. Adams

EUGENE LEPRE, late of Dunbar Township,
Fayette County, PA (2)

Executor: Robert R. Lepre
9 Greenwood Road
Pittsburgh, PA 15221
c/o Frayer Law Offices
250 Mt. Lebanon Boulevard, Suite 207
Pittsburgh, PA 15234
Attorney: Dale P. Frayer

EMOGENE POSICK, late of Washington
Township, Fayette County, PA (2)

Executor: Aaron Anderson
114 Branch Avenue
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

First Publication

JOAN A. BARCHETTI, late of Uniontown,
Fayette County, PA (1)

Executor: Christopher Scott Barchetti
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

CHRISTOPHER RAY CAVANAUGH, late
of Luzerne Township, Fayette County, PA (1)

Personal Representative:
Sandra E. Cavanaugh
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

DANIEL L. CHESS, late of South Union
Township, Fayette County, PA (1)

Personal Representative: Gertrude S. Chess
c/o Watson Mundorff Brooks & Sepic
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

**JOYCE COFFMAN, a/k/a H. JOYCE
COFFMAN, a/k/a H. J. COFFMAN**, late of
Connellsville, Fayette County, PA (1)

Executrix: Karen S. Coffman
c/o 120 South Third Street
Connellsville, PA 15425
Attorney: David B. Reiss

**DONNA COOLEY, a/k/a DONNA JEAN
COOLEY**, late of North Union Township,
Fayette County, PA (1)

Administrator: Jacquelin Fritts
170 North Gallatin Avenue
Uniontown, PA 15401
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

**RENELDA THOMAS, a/k/a RENELDA A.
THOMAS, a/k/a RENELDA ANNE
THOMAS**, late of Uniontown, Fayette County,
PA (1)

Co-Executors:
Nancy L. Otto
44370 Maltese Falcon Square
Ashburn, VA 20147
and Lori A. Frazee
5660 A Wade Court
Frederick, MD 21703

LEGAL NOTICES

NOTICE

Estate of Joshua Paul Atkins a/k/a Joshua P. Atkins a/k/a Joshua Atkins, Deceased. Late of S. Connellsville Borough, Fayette County, PA. D.O.D. 2/12/18. Letters of Administration on the above Estate have been granted to the undersigned, who request all persons having claims or demands against the estate of the decedent to make known the same and all persons indebted to the decedent to make payment without delay to Lauren Dawn Atkins, Administratrix, c/o Martin K. Brigham, Esq. and Charles P. Hehmeyer, Esq., 1845 Walnut St., 20th Fl., Philadelphia, PA 19103. Or to her Attys., Martin K. Brigham and Charles P. Hehmeyer, Raynes Lawn Hehmeyer, 1845 Walnut St., 20th Fl., Philadelphia, PA 19103.

(2 of 3)

NOTICE

LEGAL ADVERTISEMENT

Notice is hereby given that a hearing is scheduled for Wednesday, June 13, 2018, at 9:30 a.m., before The Honorable Joseph M. George, Jr., in Courtroom No. 5, of the Fayette County Courthouse, for the sale of the South Side Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

Connellsville Area Board of School Directors

(2 of 3)

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 29, 2018 to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of The Sigtists Lab, with the principal place of business at 413 SOUTH PITTSBURGH ST, APT. A CONNELLSVILLE, PA 15425. The name or names and addresses of persons owning and interested are DONNELL N. BLACK.

NOTICE

NOTICE IS HEREBY GIVEN, of the filing of an Application for Registration of a Fictitious Name, as follows: The fictitious name is: "Mountain View Storage" The address and principal office or principal place of business to be carried on under or through the fictitious name is 76 E. Main Street, Uniontown, PA 15401. The name and address of the persons owning and interested are: Douglas S. Sholtis, 76 E. Main Street, Uniontown, PA 15401, Carl Bezjak, 17 Theodori Drive, Uniontown, PA 15401, Gary Serock, 104 Victory Drive, Smithfield, PA 15478. An application was filed on April 2, 2018 with the Pennsylvania Department of State, Corporations Bureau, under the Fictitious Names Act, 54 Pa.C.S.A. 302 et seq., Act of December 16, 1982, No. 295 P.L. 1309.

Douglas S. Sholtis, Esq.
76 E. Main Street
Uniontown, PA 15401
(724) 550-4217

In the Court of Common Pleas of Fayette
County, Pennsylvania
Civil Action
No. 190 of 2018 GD

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
100 South Street
Harrisburg, PA 17108
Telephone: **800-932-0311**

H.R. Lewis,
Plaintiff,
vs.

Bonnie Sue Miller, a/k/a Bonnie Sue Fowler,
Martha R. Miller, Administrator of the
Estate of Bonnie Sue Miller, and Martha R.
Miller, individually, Miles F. Miller, their
heirs, successors and assigns, and
Beneficial Consumer Discount Company,
d/b/a Beneficial Mortgage Company of
Pennsylvania, their successors and assigns,
Defendants.

Gary N. Altman
Attorney for the Plaintiff
206 Derrick Avenue
Uniontown, PA 15401
724-438-0910

TO THE ABOVE NAMED
DEFENDANTS, THEIR HEIRS,
SUCCESSORS AND ASSIGNS:

Plaintiff filed the above action to declare that he is the sole owner of the land known as 198 Konicki Road, Masontown, Fayette County, PA, 15461, being acquired by Plaintiff by Sheriff's deed recorded December 3, 2012, in the Recorder's Office of Fayette County, PA, in Record Book 3205, page 1982. Fayette County Tax Map No. 24-12-0059-01.

It appears from the chain of title that you may have an interest in this property. The Plaintiff has asked that the Court declare that you, the Defendants, be forever barred from asserting any right, lien, title or interest in the property. Unless you defend this action, the Plaintiff will take a judgment by default.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiffs. You may lose the 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.

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, June 4, 2018 at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2613-0170	MARY B. ECHOLS	George M. Barney, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, June 18, 2018 at 9:30 A.M.

in Court Room No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, June 4, 2018 at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0787	BESSIE A. GABELT a/k/a BESSIE GABELT	Mary Ann Baysinger, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, June 18, 2018 at 9:30 A.M.

in Court Room No. 2 of the **Honorable JOHN F. WAGNER** or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF :
PENNSYLVANIA, :
vs. :
ROBIN RENAYE NEIGHBORS, : No. 908 of 2017
Defendant. : Judge Linda R. Cordaro

ORDER

CORDARO, J.

May 8, 2018

Before the Court is the Omnibus Pretrial Motion of Defendant, Robin R. Neighbors, in the nature of a motion to suppress blood test results. A hearing on the Motion was held on April 24, 2018. Upon consideration of the testimony presented, as well as a review of current Pennsylvania law on the matter, Defendant's Omnibus Pretrial Motion is denied.

BACKGROUND

On February 20, 2017, Trooper Adam Kezmarsky of the Pennsylvania State Police was traveling to Port Marion in Fayette County in full uniform and in a marked police car when he observed a vehicle operating with a rear brake light out. Trooper Kezmarsky conducted a traffic stop on the vehicle, which was driven by Defendant, Robin Neighbors.

Trooper Kezmarsky testified that during the stop, Ms. Neighbors's reaction time was very slow to the questions he was asking her. He also noticed that Ms. Neighbors's eyes were not tracking correctly. Ms. Neighbors said that she did not have anything to drink, and there was no odor of alcohol. However, Ms. Neighbors admitted to taking pain medication. Trooper Kezmarsky suspected that Ms. Neighbors was impaired and so he conducted standard field sobriety tests.

The field sobriety tests included a horizontal gaze test, a walk and turn test, and a one leg stand. During the horizontal gaze test, Ms. Neighbors was unable to track Trooper Kezmarsky's pen with her eyes. During the other tests, Ms. Neighbors was off-balanced. Based on Ms. Neighbors's performance during the field sobriety tests, as well as her general demeanor, Trooper Kezmarsky arrested Ms. Neighbors under suspicion of driving under the influence of illegal substances.

Trooper Kezmarsky next asked Ms. Neighbors, "Are you going to consent to a blood draw?" Ms. Neighbors responded, "Yes I will." Trooper Kezmarsky then transported Ms. Neighbors to Uniontown Hospital, where a blood draw was performed. Ms. Neighbors was never presented with, nor did she sign, a DL-26 B form. There was no other discussion regarding the blood draw between Trooper Kezmarsky and Ms. Neighbors.

The results of the blood draw showed that Ms. Neighbors tested positive for Benzoylcegonine, a metabolite of cocaine. Ms. Neighbors now challenges the admittance of the blood draw results into evidence, claiming that her consent was not voluntary.

DISCUSSION

Ms. Neighbors argues that her blood draw was "without consent and in violation of her constitutional rights that have developed pursuant to *Birchfield v. North Dakota* and its progeny." Def.'s Omnibus Pretrial Mot. at ¶5 (italics omitted). The U.S. Supreme Court in *Birchfield* held that a blood draw constitutes a search under the Fourth Amendment, as it implicates privacy concerns. *Birchfield v. North Dakota*, 136 S.Ct. 2160, 2163 (2016). In Pennsylvania, a search conducted without a warrant is unreasonable and unconstitutional, unless an exception applies. *Commonwealth v. Strickler*, 757 A.2d 884, 888 (Pa. 2000). One exception to this rule is voluntary consent. *Id.* However, the Supreme Court in *Birchfield* held that consent is not voluntary when states impose criminal penalties for refusing to submit to a blood draw. *Birchfield* at 2185. While the threat of criminal penalties renders consent involuntary, it is lawful to impose civil and evidentiary penalties for refusing to submit to a blood draw. *Id.*

Pa. C.S.A. §1547(b)(2)(ii), which was enacted before *Birchfield*, required police officers to inform those who were suspected of driving under the influence of the possibility of enhanced criminal penalties. After *Birchfield*, however, Pennsylvania courts held that a defendant could not be subjected to enhanced criminal penalties for refusing a blood draw. *Commonwealth v. Evans*, 153 A.3d 323, 331 (Pa. Super. 2016). In *Evans*, the court held that even a threat of enhanced criminal penalties for denying a blood draw is grounds for suppression of the results. *Id.* The rulings in *Birchfield* and *Evans* rendered Pa. C.S.A. §1547(b)(2)(ii) unenforceable, effectively severing that section from the rest of the Vehicle Code. *Garlick v. Commonwealth, Dept. of Trans., Bureau of Driver Licensing*, 176 A.3d 1030, 1036 (Pa. Commw. 2018). As a result, police officers no longer have a duty to warn of the unconstitutional criminal penalties, since they no longer exist. *Id.* at 1037.

While Ms. Neighbors argues that her constitutional rights were violated pursuant to the Court's ruling in *Birchfield*, there is no evidence to support that argument. Ms. Neighbors was never told that she would be subject to enhanced criminal penalties should she refuse a blood draw. She did, however, answer in the affirmative when Trooper Kezmarsky asked her if she would consent to a blood draw. As there was no warning of enhanced criminal penalties, the consent was not coerced and *Birchfield* does not apply here.

Ms. Neighbors next claims her consent was not voluntary because she was not aware of the consequences of submitting to a blood test. In order to determine whether consent for a blood draw is voluntary, a court must look at the totality of circumstances. *Commonwealth v. Smith*, 77 A.3d 562, 571 (Pa. 2013), citing *Commonwealth v. Au*, 42 A.3d 1002 (Pa. 2012). The scope of one's consent is determined by "what a reasonable person would have understood by the exchange between the officer and the person who gave consent." *Smith* at 573, citing *Commonwealth v. Reid*, 811 A.2d 530, 549 (Pa. 2002). The evaluation includes an objective examination of the "maturity, sophistica-

tion, and mental or emotional state of the defendant." Smith at 573, citing Commonwealth v. Strickler, 757 A.2d 884,901 (Pa. 2000). Further, "one's knowledge of his or her right to refuse consent remains a factor in determining the validity of consent ... " Smith at 573, citing Commonwealth v. Cleckley, 738 A.2d 427, 433 (Pa. 1999).

In the case at hand, Trooper Kezmarsky explained to Ms. Neighbors after the traffic stop that he suspected her of driving under the influence. During the exchange with Trooper Kezmarsky, Ms. Neighbors admitted to having taken pain medication and had loose hydrocodone pills in her pocket. Trooper Kezmarsky performed several field sobriety tests on Ms. Neighbors, and also had Ms. Neighbors take a breathalyzer test. These actions would have alerted any reasonable person to the conclusion that he or she was being evaluated for signs of impairment by the officer, and that a blood draw would further that investigation. While Trooper Kezmarsky did not read the DL-26 B Form, he did ask Ms. Neighbors, "Are you going to consent to a blood draw?" to which Ms. Neighbors replied, "Yes I will." Based on the totality of these circumstances, the Court finds that Ms. Neighbors understood what the state trooper was requesting and that her consent to a blood draw was voluntary.

Finally, Ms. Neighbors argues that the test results "confirm that [she] had nothing with any intoxicating effect in her system." Def.'s Omnibus Pretrial Mot. at 3 This is not so. The blood draw results show that Ms. Neighbors tested positive for caffeine and for Benzoyllecgonine, the latter of which is "an inactive metabolite and chemical breakdown product of cocaine." Second Joint Exhibit (Toxicology Report) at 2. Cocaine is a Schedule II controlled substance under the Pennsylvania Controlled Substance , Drug, Device and Cosmetic Act. 35 P.S. §780-104(2)(i)(4). Under the Pennsylvania Vehicle Code, an individual may not drive, operate, or be in actual physical control of the movement of a vehicle if there is any amount of a Schedule II controlled substance, or any amount of a metabolite of such substance, in the individual's blood. 75 Pa. C.S.A. §3802(D)(1)(ii) and (iii). As 320 ng/ mL of Benzoyllecgonine - a metabolite of a Schedule II controlled substance-was found in Ms. Neighbors's blood as a result of the blood draw, Defendant's argument is of no merit.

CONCLUSION

For the foregoing reasons, this Court finds that Ms. Neighbors voluntarily consented to the blood draw, that her consent was not coerced or in any way unconstitutional, and that the results of her blood draw are admissible at trial.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Janice Snyder
Clerk of Courts

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Joseph D'Andrea
144 Regency Drive
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LUNCH AND LEARN**THE IMPAIRED LAWYER – A Call for Action**

Presented by

Brian S. Quinn, Esquire

Education and Outreach Coordinator

Lawyers Concerned for Lawyers of PA

Wednesday, June 13, 2018

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A practicing lawyer with over 40 years of experience, Mr. Quinn will also share his own story of addiction and impairment and the role that Lawyers Concerned for Lawyers played in saving his life and restoring his place in the legal profession.

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