

**THE**  
**Dauphin County Reporter**

(USPS 810-200)

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A WEEKLY JOURNAL  
CONTAINING THE DECISIONS RENDERED IN THE  
12th JUDICIAL DISTRICT

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Doctor's Choice Physical Medicine & Rehabilitation Center, P.C. v.

Travelers Personal Insurance Company

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**INTELLECTUAL PROPERTY LAW**

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Telephone: 717-232-8771  
Facsimile: 717-232-8773  
E-mail: [hhpc@ptd.net](mailto:hhpc@ptd.net)  
Website: [www.h-hpc.com](http://www.h-hpc.com)

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42 Years in Harrisburg

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**ELIZABETH G. SIMCOX**  
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#### **Estate Notices**

##### **DECEDENTS ESTATES**

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

##### **FIRST PUBLICATION**

ESTATE OF E. PRISCILLA EVANS, late of Dauphin County, Pennsylvania (died November 6, 2012). Administratrix: Nancy J. Dougherty, 4534 Laurelwood Drive, Harrisburg, PA 17110-2837. j11-j25

ESTATE OF CHARLES G. REED, JR., late of Dauphin County, Pennsylvania (died November 7, 2012). Personal Representative: Diana M. Reed. Attorney: Michael Cherewka, Esq., 624 North Front Street, Wormleysburg, PA 17043. j11-j25

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ESTATE OF EDNA M. PARRELL, late of the Borough of Middletown, Dauphin County, Pennsylvania (died December 19, 2012). Executor: Donald N. Shifflett, c/o Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. Attorney: John S. Davidson, Esq., 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. j11-j25

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ESTATE OF ROBERT G. COOKSON, late of Middletown, Dauphin County, Pennsylvania. Executrix: Kathryn Lighty. Attorney: Robert A. Hopstetter, Esq., Feeman, Mesics & Hopstetter, 247 S. 8th St. Lebanon, PA 17042. Telephone (717) 272-3477. j11-j25

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ESTATE OF ELEANOR J. GARDNER, late of Middle Paxton Township, Dauphin County, Pennsylvania (died November 11, 2012). Co-Executors: James C. Gardner and Beth L. Gardner, P.O. Box 6066, Harrisburg, PA 17112. Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 635 North 12th Street, Suite 400, Lemoyno, PA 17043. j11-j25

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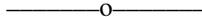
ESTATE OF MYRTLE J. WRIGHT, late of Upper Paxton Township, Dauphin County, Pennsylvania (died December 7, 2012). Co-Executors: Sandra L. Sweigard, 1170 B Camp Hebron Road, Halifax, PA 17032 and Sylvia L. Spicher, 450 North 5th Street, Halifax, PA 17032. Attorney: Holly M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j11-j25

Doctor's Choice Physical Medicine & Rehabilitation Center, P.C.  
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Accordingly, for all the reasons set forth above, I denied defendant's motion for a new trial based upon after-discovered evidence vis-à-vis Asia Wannamaker.

Finally, defendant suggested that she had a right to a new trial based upon newly discovering after trial that defendant's mother, Michelle Tolbert, would have testified for her and offered testimony that she was innocent. This claim lacked any merit. First, it was not raised in defendant's post sentence motion and was thus waived. Alternatively, to the extent not waived, it was clearly not newly discovered evidence because defendant knew from the date of the incident that her mother had been present at the crime scene. "[A] defendant who fails to question or investigate an obvious, available source of information, cannot later claim evidence from that source constitutes newly discovered evidence." *Padillas* at 364 (citation omitted). Furthermore, "[t]he concept of reasonable diligence is particularly relevant where the defendant fails to investigate or question a potential witness with whom he has a close, amicable relationship." *Id.* (citations omitted). Defendant here failed to exercise reasonable diligence by not pursuing this obvious source of evidence.

Accordingly, I denied defendant's post sentence motion on November 8, 2012.



**Doctor's Choice Physical Medicine & Rehabilitation Center, P.C.  
v. Travelers Personal Insurance Company**

**Insurance — Automobile — Pennsylvania Motor Vehicle Financial Responsibility Law — Reasonable and Necessary Medical Treatment — Peer review — Written Criteria.**

Plaintiff sought reimbursement for unpaid chiropractic treatment bills which had been denied by the Defendant pursuant to a peer review determination that the treatments were not medically reasonable or necessary. The Court determined, however, that the peer review process was flawed by a failure to establish written criteria for evaluation, and that the treatments were in fact reasonable and necessary in providing pain relief and management, even if only temporarily.

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1. The Pennsylvania Supreme Court has observed that a peer review organization (PRO) is not a neutral body and that the "detachment and neutrality required of a fact finder is conspicuously absent in the contractual relationship between a PRO and an insurer." *Terminato v. Pennsylvania National Ins. Co.*, 645 A2d 1287, 1291 (Pa. 1994).

2. A PRO shall apply National, or when appropriate, regional norms in conducting determinations. If National and regional norms do not exist, a PRO shall establish written criteria to be used in conducting its reviews based upon typical patterns of practice in the PRO's geographic area of operation. *31 Pa. Code § 69.53(e)*.

3. In Pennsylvania, the courts have, on multiple occasions, held that even temporary pain relief can be reasonable and necessary medical treatment. *Herd Chiropractic Clinic, P.C. v. State Farm Mutual Automobile Insurance Company*, 124 Dauph. 180 (2010), 2010 Pa. Dist. & Cnty. Dec. LEXIS 83 (Pa. Ct. Cmn. PL 2010) (citations omitted).

C.P., Dau. Co., No. 2008 CV 16214.

*Robert F. Claraval*, for the Plaintiff

*Ernest F. Koschineg*, for the Defendant

CLARK, J., December 13, 2012. – On June 26, 2012, this Court conducted a non-jury trial based on the Plaintiff's, Doctor's Choice Physical Medicine & Rehabilitation Center, P.C. (hereinafter "Doctor's Choice"), challenge to the Defendant's, Travelers Personal Insurance Company (hereinafter "Travelers"), refusal to pay for certain chiropractic treatment bills resulting from accident-related injuries suffered by Angela LaSelva based upon a decision made in a peer review process that such treatments provided to Angela LaSelva after June 9, 2005 were not medically reasonable or necessary.

The evidence adduced at trial established that Doctor's Choice had rendered chiropractic services to Angela LaSelva, an insured of Travelers, for injuries she had sustained in a motor vehicle accident on September 8, 2004. Dr. David Novatnak, a licensed chiropractor practicing at Doctor's Choice, provided care to Angela LaSelva from April 13, 2005 until October 16, 2006. Prior to the termination of Angela LaSelva's treatment, Travelers requested a peer review of Angela LaSelva's treatment through Section 1797(b) of the Pennsylvania Motor Vehicle Financial Responsibility Law<sup>1</sup> (hereinafter "MVFRL"). The Defendant used IMX Medical Management Services (hereinafter "IMX") as the peer review organization (hereinafter "PRO") responsible for the peer review. IMX then enlisted Dr. Mark Cavallo, D.C., to perform the peer review of Angela LaSelva and to opine about her treatment with Dr. Novatnak.

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1. 75 Pa.C.S. § 1797(b).

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Dr. Cavallo issued his peer review report<sup>2</sup> on July 7, 2005, wherein he stated it was his “clinical opinion that the claimant has achieved the point of maximum benefit from further in-office chiropractic care as provided by Dr. Novatnak by June 9, 2005.” Based upon this report, Travelers denied coverage for Angela LaSelva’s medical expenses provided by Doctor’s Choice, through Dr. Novatnak, for treatment following June 9, 2005. Doctor’s Choice filed this action as an appeal from the peer review determination.

Citing the applicable provisions of 75 Pa.C.S. § 1797<sup>3</sup>, 31 Pa. Code § 69.524, and 31 Pa. Code § 69.535, Doctor’s Choice alleges that the peer review report relied on by Travelers is illegal and defective as to the determination made by Dr. Cavallo that the treatment rendered to Angela LaSelva was not reasonable or necessary after June 9, 2005.

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2. Plaintiff’s Exhibit #13.

3. Section 1797(b)(1) of the MVFRL provides:

*Peer review plan.* — Insurers shall contract jointly or separately with any peer review organization established for the purpose of evaluating treatment, health care services, products or accommodations provided to any injured person. Such evaluation shall be for the purpose of confirming that such treatment, products, services or accommodations conform to the professional standards of performance and are medically necessary. An insurer’s challenge must be made to a PRO within 90 days of the insurer’s receipt of the provider’s bill for treatment or services or may be made at any time for continuing treatment or services.

4. Section 69.52(a) of the Pa. Code provides:

A provider’s bill shall be referred to a PRO only when circumstances or conditions relating to medical and rehabilitative services provided cause a prudent person, familiar with PRO procedures, standards and practices, to believe it necessary that a PRO determine the reasonableness and necessity of care, the appropriateness of the setting where the care is rendered, and the appropriateness of the delivery of the care. An insurer shall notify a provider, in writing, when referring bills for PRO review at the time of the referral.

5. Section 69.53(e) of the Pa. Code provides:

A PRO shall apply National, or when appropriate, regional norms in conducting determinations. If National and regional norms do not exist, a PRO shall establish written criteria to be used in conducting its reviews based upon typical patterns of practice in the PRO’s geographic area of operation. (emphasis added)

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Consequently, Doctor's Choice is seeking judgment against Travelers for payment of its unpaid bills, interest at the rate of 12% per annum and reasonable attorneys' fees and costs of suit<sup>6</sup>.

At the bench trial held on June 26, 2012, we heard from Angela LaSelva's treating chiropractor, Dr. Novatnak, who testified to the reasonableness and necessity of the treatment he provided to Ms. LeSelva. We also heard testimony from the PRO's retained chiropractor, Dr. Cavallo, who stated his opinions and testified as to the foundation for those opinions. Based on the evidence heard at the trial and after reviewing all of the testimony and exhibits, this Court concludes by the clear preponderance of the evidence that the questioned treatments rendered by Doctor's Choice were reasonable and necessary for the treatment of Angela LaSelva's on-going pain. Indeed, we also find significant portions of Dr. Cavallo's testimony to be incredible and contrary to the established law of our Commonwealth concerning such matters.

The peer review process established under the MVFRL has long been viewed with suspicion by our courts. The Pennsylvania Supreme Court has discerned that because only the insurer participates in the peer review process, any claim of neutrality is suspect. The Court stated, "the detachment and neutrality required of a fact-finder is conspicuously absent in the contractual relationship between a PRO and an insurer. *Terminato v. Pennsylvania National Ins. Co.*, 645 A.2d 1287; 1291 (Pa. 1994). in *Harcourt v. General Accident Ins. Co.*, 615 A.2d 71, 78 (Pa. Super. 1992), the Superior Court referred to comments made by Judge Wettick in *Lehman v. State Farm Insurance Companies*, 140 P.L.J. 78, 82 (1992), where Judge Wettick emphasized that while a PRO cannot be owned by an insurance company, the law does provide for the insurance company to select the PRO that will review the claim. The insurance company initially pays the PRO for its services and the insured plays no role in the selection process, further confirming that PROs have a strong financial incentive to appear fair in the eyes of the insurance company. As such, the Courts have determined that a PRO does not have the characteristics of an independent body for which the Legislature would seek

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6. 1797(b)(6) of the MVFRL provides:

*Court determination in favor of provider or insured.* - If, pursuant to paragraph (4), a court determines that medical treatment or rehabilitative services or merchandise were medically necessary, the insurer must pay to the provider the outstanding amount plus interest at 12%, as well as the costs of the challenge and all attorney fees.

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judicial deference. *Id.* This case is a classic example of that well-founded suspicion concerning these types of peer review processes undertaken pursuant to Section 1797(b) of the Act.

In the case *sub judice*, we find that the PRO, IMX, and its selected reviewer, Dr. Cavallo, did not comply with 31 Pa. Code § 69.53(e) and, therefore, the peer review report submitted by Dr. Cavallo is invalid. Section 69.53(e) clearly states that *a PRO shall establish written criteria to be used in conducting its reviews based upon typical patterns of practice in the PRO's geographic area of operation.* Dr. Cavallo testified at trial that he was “instructed by IMX to utilize literature that is accepted,” since there are no national or regional norms that exist for conducting determinations in this case. (N.T. 128). When questioned further, Dr. Cavallo admitted that he (Dr. Cavallo) selected the journals he used to complete his peer review report. (N.T. 129-130). It is obvious to the Court, that the Legislature constructed that pertinent portion of the statute requiring the PRO to establish the criteria to be used for the evaluation from accepted professional sources to ensure that there is some valid standard against which the challenged medical treatment is being judged by the peer reviewer. That certainly did NOT occur in this case. Indeed, based on Dr. Cavallo's own testimony on cross-examination, it was apparent to the Court that he (Dr. Cavallo) selected literature that supposedly supported a determination of the contested treatments as not being reasonable and necessary. In other words, Dr. Cavallo was left to his own devices by IMX to come up with his (Dr. Cavallo's) own standard for the review process. This is exactly what the language of the Act was intended to prevent.

One of the articles that Dr. Cavallo chose to rely on was titled *Technology Review - The Use of Surface EMG in the Diagnosis and Treatment of Nerve and Muscle Disorders.* However, during his testimony, Dr. Novatnak described the treatments he provided to Angela LaSelva and he stated that he performed *dynamic* surface EMGs, which he explained are “totally different examinations” from surface EMGs. (N.T. 41-42). Dr. Novatnak also testified that he reviewed the aforementioned article utilized by Dr. Cavallo and found that it was not relevant to the *dynamic* surface EMGs he was conducting on Angela LaSelva. (N.T. 42-43). It was also mentioned that the very next article in the treatise selected by Dr. Cavallo was an article on *dynamic* surface EMGs, an article that would have been applicable to Angela LaSelva's case. (N.T. 41-43). But Dr. Cavallo chose to employ the preceding article that discussed surface EMGs, a completely different examination

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from the *dynamic* surface EMGs that Dr. Novatnak performed on Angela LaSelva. Dr. Cavallo attempted to defend his selection of that article by stating, "with all due respect to Dr. Novatnak, it (the article) does include dynamic studies they utilize," which appears to be incorrect. (N.T. 119). Furthermore, and rather astoundingly, Dr. Cavallo admitted during the trial that the surface EMG article he cited actually contained a *disclaimer* which declared *that the review in the article was not written with the intent that it be used as a basis for reimbursement decisions*. When Dr. Cavallo was asked whether he had revealed to IMX that the document he cited could not be used for reimbursement decisions, he answered that he had not. (N.T. 150). It was apparent to the Court during the trial that IMX and Dr. Cavallo had not complied with Section 69.53(e) governing PRO standards for operation, thus rendering Dr. Cavallo's peer review report not only invalid but a clear abuse of the peer review procedure by Dr. Cavallo, and likewise displayed a rather blatant disregard by IMX for even minimal safeguards for fairness and accuracy envisioned by the Act.

We also find that the treatments rendered by Dr. Novatnak were reasonable and necessary in providing relief and management of Angela LaSelva's pain, even if only temporarily. Our esteemed colleague, the Honorable Bruce F. Bratton, addressed this very issue when he held that, "In Pennsylvania, the courts have, on multiple occasions, held that even temporary pain relief can be reasonable and necessary medical treatment." *Herd Chiropractic Clinic, P.C. v. State Farm Mutual Automobile Insurance Company*, 124 Dauph. 180 (2010), 2010 Pa. Dist. & Cnty. Dec. LEXIS 83 (Pa. Ct. Cmn. PL 2010) (citations omitted). During Dr. Novatnak's description of the care he provided to Angela LaSelva, he testified that in her medical records it was noted that Angela LaSelva reported that "the current treatment makes her feel better. She said more activity makes it feel worse." (N.T. 29). Angela LaSelva earned her income as a waitress and, after the accident, she had to take time off of work as a result of her injuries. She was eventually able to return to work after receiving treatments from Dr. Novatnak, although upon returning to work she did report aggravation of the injury. (N.T. 30). Upon hearing testimony that Angela LaSelva continued to suffer pain from the injuries she sustained in the auto accident on September 8, 2004, we find that the treatments rendered by Doctor's Choice to Angela LaSelva from April 13, 2005 until October 16, 2006 were reasonable and necessary under the circumstances. Consequently, Doctor's Choice is entitled to full payment for these services rendered.

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Hence, we hereby find in favor of the Plaintiff in the amount of \$82,287.06 representing the unpaid medical expenses, plus statutory interest at 12% per annum, attorney's fees, and costs of suit, which attorney's fees and costs we find to be reasonable and proper. We hereby enter a separate Order of Judgment accordingly.

ISSUED AT HARRISBURG, this 13th day of December, 2012.

ORDER

AND NOW, to wit, this 13th day of December, 2012, in conjunction with the Court's Opinion filed of even date herewith, IT IS HEREBY ORDERED that Judgment is entered in favor of the Plaintiff and against the Defendant in the amount of \$82,287.06, representing the unpaid medical expenses, plus statutory interest at 12% per annum, attorney's fees, and costs of suit. The Prothonotary is hereby directed to promptly enter Judgment on the docket as aforesaid.

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**FIRST PUBLICATION**

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**Estate Notices**

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ESTATE OF LARRY L. HOUTZ, late of Washington Township, Dauphin County, Pennsylvania (died November 17, 2012). Executor: David M. Houtz, 170 East Bonnie Avenue, Elizabethville, PA 17023. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j11-j25

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ESTATE OF HENRY S. RAAB, late of the City of Harrisburg, Dauphin County, Pennsylvania (died December 6, 2012). Personal Representative: Lynne R. Richards, 1150 Quail Hollow Road, Hummelstown, PA 17036. Attorney: Elyse E. Rogers, Esq., Saidis, Sullivan & Rogers, 635 North 12th Street, Suite 400, Lemoyne, PA 17043. j11-j25

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ESTATE OF DOROTHY H. ALLOWAY, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Maronetta F. Miller, 2 North Second Street, 7th Floor, Harrisburg, PA 17101. Attorney: Ryan R. Gager, Esq., Saul Ewing LLP, 2 North Second Street, 7th Floor, Harrisburg, PA 17101. j11-j25

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ESTATE OF SCHRONEY E. HAGY, late of Middle Paxton Township, Dauphin County, Pennsylvania (died October 3, 2012). Co-Executors: Michelle H. Spangler and Jon H. Hagy, Jr. Attorney: David W. DeLuce, Esq., Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. j11-j25

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**SECOND PUBLICATION**

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ESTATE OF ESTHER R. HOFFMAN, late of Halifax Borough, Dauphin County, Pennsylvania (died December 13, 2012). Executor: Terry E. Hoffman, 390 Texas Eastern Drive, McConnellsburg, PA 17233. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. j4-j18

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ESTATE OF EVELYN VIRGINIA GINNY SHANNESSEY a/k/a GINNY SHANNESSEY, late of Middle Paxton Township, Dauphin County, Pennsylvania (died November 21, 2012). Executrix: Vicki Lynn Bowersox. Attorney: David W. Reager, Esq., Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011. Telephone (717) 763-1383. j4-j18

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**THIRD PUBLICATION**

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ESTATE OF STEVE GREGORITS, III, late of Lower Paxton Township, Dauphin County, Pennsylvania (died November 16, 2012). Executrix: Karin L. Hill, 58 Highcroft Drive, Morgantown, PA 19543. Attorney: Richard S. Friedman, Esq., 300 North Second Street, Suite 402, Harrisburg, PA 17101. d28-j11

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ESTATE OF JEAN E. KISSINGER, late of Lykens Township, Dauphin County, Pennsylvania (died November 30, 2012). Co-Administrators: Kimberly S. Adams, 787 Erdman Road, Lykens, PA 17048; Larry E. Kissinger, 2875 Luxemburg Road, Lykens, PA 17048 and Michael E. Kissinger, 2859 Luxemburg Road, Lykens, PA 17048. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.. d28-j11

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**THIRD PUBLICATION**

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**Estate Notices**

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ESTATE OF RUTH IRENE WRIGHT a/k/a RUTH I. WRIGHT, late of Swatara Township, Dauphin County, Pennsylvania (died November 21, 2012). Personal Representatives: Jeffrey Lynn Wright, 5210 Crestwood Drive, Harrisburg, PA 17109 and Brian Paul Wright, 22 Dead End Road, Millerstown, PA 17062. Attorney: Robin Holman Loy, Esq., Holman & Holman, P.O. Box 97, New Bloomfield, PA 17068. d28-j11

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ESTATE OF MILDRED ARDELL FARVER a/k/a MILDRED A. FARVER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Elizabeth A. Bell, 16 Birchwood Drive, Harrisburg, PA 17109. Attorney: Gerald J. Shekletski, Esq., Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070. d28-j11

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ESTATE OF STERLEN S. FREED, late of Susquehanna Township, Dauphin County, Pennsylvania. Co-Executrices: Linda Freed Ebright, 17 Parkside Drive, Hummelstown, PA 17036 and Marcia Elizabeth Freed, 4075 Deer Run Court, Harrisburg, PA 17112. Attorneys: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. d28-j11

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ESTATE OF KAREN E. ENGLE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died November 29, 2012). Executor: W. Franklin Martin, Jr., 5833 Tyler Dr., Harrisburg, PA 17112. d28-j11

ESTATE OF CLARENCE C. MORRISON, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died November 22, 2012). Executor: Mark E. Morrison, c/o Stephen C. Nudel, PC, 219 Pine Street, Harrisburg, PA 17101. Attorney: Stephen C. Nudel, Esq., Law Offices Stephen C. Nudel, PC, 219 Pine Street, Harrisburg, PA 17101. d28-j11

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**FIRST PUBLICATION**

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**Corporate Notices**

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NOTICE IS HEREBY GIVEN that **NERAC, INC.** with a registered agent provider in care of National Corporate Research, Ltd. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 1 Technology Drive, Tolland, CT 06084. This shall serve as official notice to creditors and taxing authorities. j11

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NOTICE IS HEREBY GIVEN that **LMS Intellibound, Inc.** with a registered agent provider in care of National Corporate Research, Ltd. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 6525 The Corners Pkwy, Ste. 520, Norcross, GA 03002. This shall serve as official notice to creditors and taxing authorities. j11

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that **Qugence, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 5775 Morehouse Dr., San Diego, CA 92121, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j11

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **LRES Corporation**. The address of its principal office under the laws of its jurisdiction is 765 The City Drive South, #300 Orange CA 92868. The name of this corporation's commercial registered office provider is National Registered Agents, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 4124(b). j11

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NOTICE IS HEREBY GIVEN that **The Grove Student Properties, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, where its principal office is located at 2100 Rexford Road, Suite 414, Charlotte, North Carolina 28211, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 2595 Interstate Drive, Suite 103, Harrisburg, Pennsylvania 17110. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j11

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NOTICE IS HEREBY GIVEN that **Deluxe Shared Services Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 2400 W. Empire Ave., 2nd Fl., Burbank, CA 91504, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j11

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NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Nonprofit Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **The Old Apostolic Church (North America)**. The address of its principal office under the laws of its jurisdiction is 180 N LaSalle St Suite 3200 Chicago IL 60601. The name of this corporations commercial registered office provider is Registered Agent Solutions Inc in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 6124(b). j11

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about December 24, 2012, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Kamco Supply Corporation of Boston** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of Massachusetts.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 181 New Boston Street, Woburn, MA 01801.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j11

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FIRST PUBLICATION

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Corporate Notices

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on or about December 21, 2012, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Mobile Home Finance, Inc.** c/o AAAGENT Services, LLC,

This corporation is incorporated under the laws of North Carolina.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 1121 Old Concord Road, Ste. 10 C, Salisbury, NC 28146.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. j11

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania, for **Tallman Aerial Spraying, Inc.**, on or about December 21, 2012 under the provisions of the Pennsylvania Business Corporation Law of 1988.

PETER R. HENNINGER, JR., Esq.  
Jones & Henninger, P.C.  
339 West Governor Rd., Ste. 201  
Hershey PA 17033  
(717) 533-7113

j11

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 27, 2012, by **ICUC/iProspect Moderation Services, Inc.**, doing business in the Commonwealth of Pennsylvania under the fictitious name of Moderation Services ICUC USA, Inc., a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange St., Wilmington, DE 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j11

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 27, 2012, by **All Star Premium Products, Inc.**, a foreign corporation formed under the laws of the Commonwealth of Massachusetts, where its principal office is located at 660 Main St., Fiskdale, MA 01518, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j11

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FIRST PUBLICATION

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Corporate Notices

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 31, 2012, by **Dentronix, Inc.**, a foreign corporation formed under the laws of the State of Ohio, where its principal office is located at 235 Ascot Pkwy., Cuyahoga Falls, OH 44223, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j11

---

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 24, 2012, by **Spirent Communications Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o The Corporation Trust Company, 1209 Orange St., Wilmington, DE, 19801, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j11

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NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, by **Enduro Composites, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 16602 Central Green Blvd., Houston, TX 77032, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County. j11

---

NOTICE IS HEREBY GIVEN that **LTV Steel Company, Inc.**, a foreign business corporation incorporated under the laws of New Jersey, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is 4401 Rockside Rd., Ste. 405, Independence, OH 44131. Its last registered office in this Commonwealth is c/o CT Corporation System, Inc., 116 Pine St., 3rd Fl., Ste. 320, Harrisburg, PA 17101, and is deemed for venue and office publication purposes to be located in Dauphin County. j11

---

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **FirstEnergy Nuclear Generation Corp.**, a corporation of the State of Ohio, with principal office located at 76 S. Main St., Akron, OH 44308, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on December 9, 2005, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.j11

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FIRST PUBLICATION

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**Corporate Notices**

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NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 12/30/2012 by **ManpowerGroup US Inc.**, a foreign corporation formed under the laws of the State of WI with its principal office located at 100 Manpower Place, Milwaukee, WI 53212, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j11

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Teledyne Tekmar**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 1049 Camino Dos Rios, Thousand Oaks, California 91360 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on December 10, 2012, pursuant to the Act of Assembly of December 16, 1982, Act 295. The name and address of the [only person or persons] entity owning or interested in the said business is: Teledyne Instruments, Inc., 1049 Camino Dos Rios, Thousand Oaks, CA 91360. j11

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FIRST PUBLICATION

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**Fictitious Notices**

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NOTICE IS HEREBY GIVEN pursuant to the provisions of the Fictitious Name Act of 1982, Act of Assembly of December 16, 1982, P.L. 1309, Section 2, as amended, 54 Pa.C.S. §301 et seq., that an Application for Registration for Fictitious Name of **Flying T Ranch** was made to the Department of State of the Commonwealth of Pennsylvania on or about January 3, 2013.

The address of the principal office of the business which will be operated under the fictitious name is 1701 Peters Mountain Road, Dauphin, Pennsylvania 17018-9441.

The name and address of the entity interested in the said business is Tallman Aerial Spraying, Inc., 1701 Peters Mountain Road, Dauphin, Pennsylvania 17018-9441.

PETER R. HENNINGER, JR., Esq.  
Jones & Henninger, P.C.  
339 W Governor Rd., Ste. 201  
Hershey, PA 17033  
j11 (717) 533-7113

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FIRST PUBLICATION

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**Miscellaneous Notices**

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**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA**

**No. 2012 CV 10231 NC**

**PETITION FOR  
CHANGE OF NAME**

**NOTICE**

NOTICE IS HEREBY GIVEN that on December 27, 2012, the Petition of **Heather Grimwood** was filed in the above named court, requesting a decree to change her name from **Elizabeth Ashley Grimwood-Peiffer** to **Elizabeth Ashley Grimwood**.

The Court has fixed Tuesday, February 12, 2013 in Courtroom No. 11, at 2:00 p.m., Juvenile Justice Center, 25 South Front Street, 7th Floor, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. j11

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**FIRST PUBLICATION**

---

**Miscellaneous Notices**

---

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA**

**CIVIL ACTION – LAW**

**No. 2010-CV-7116-MF**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

**JPMC SPECIALTY MORTGAGE, LLC  
F/K/A WM SPECIALTY MORTGAGE,  
LLC, Plaintiff**

**vs.**

**NICOLE JONES, Defendant**

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

**TO: Nicole Jones, Defendant,  
whose last known address is  
6 Allison Court  
Harrisburg, PA 17104**

YOU ARE HEREBY NOTIFIED that your house (real estate) at: 6 Allison Court, Harrisburg, PA 17104, 09-089-042, is scheduled to be sold at Sheriff's Sale on April 11, 2013 at 10:00 AM, at Dauphin County Admin Bldg., 4th Fl., Commissioners Hearing Rm., Market Sq. (former Mellon Bank Bldg.), Harrisburg, PA 17101, to enforce the court judgment of \$68,945.85, obtained by JPMC Specialty Mortgage, LLC f/k/a WM Specialty Mortgage, LLC (the mortgagee) against you.

**NOTICE OF OWNER'S RIGHTS**

**YOU MAY BE ABLE  
TO PREVENT THIS SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action: 1. The sale will be cancelled if you pay back to JPMC Specialty Mortgage, LLC f/k/a WM Specialty

Mortgage, LLC the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call: (610) 278-6800. 2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 3. You may be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.) YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE. 5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (610) 278-6800. 6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call (717) 255-2660. 8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule. 11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale. YOU SHOULD TAKE THIS

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**FIRST PUBLICATION**

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**Miscellaneous Notices**

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NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. Dauphin County Local Counsel, Dauphin County Lawyer Referral Service, 213 N. Front St., Harrisburg, PA 17101, 717.232.7536. PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

CHRISTOPHER A. DeNARDO, Esq.  
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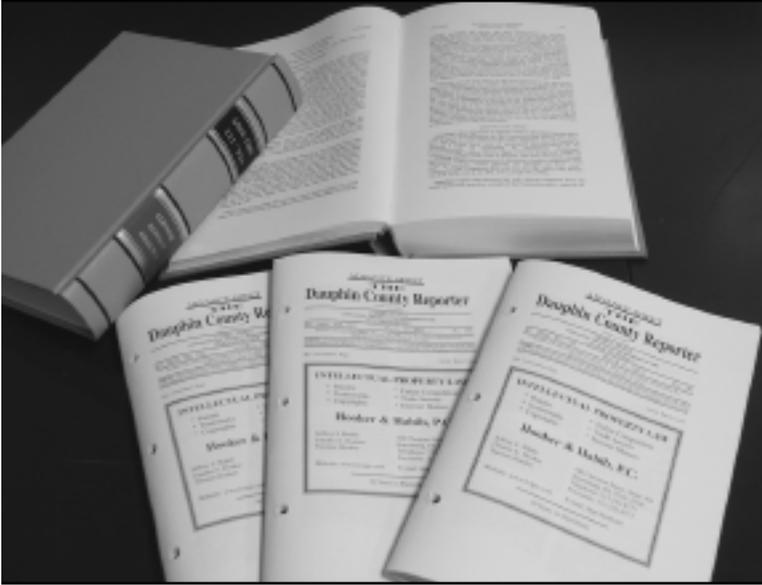
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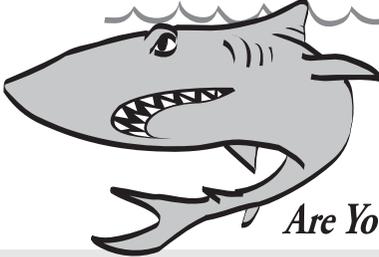
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**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
213 North Front Street • Harrisburg, PA 17101-1493  
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

**REPORTING OF ERRORS IN ADVANCE SHEET**

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

**DAUPHIN COUNTY COURT SECTION**

*Opinions Not Yet Reported*

December 31, 2012 – Clark, J., **Commonwealth v Schildt**, No. 2191 CR 2010

**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

**NICE 6,500SF OFFICE BUILDING LOCATED AT 2515 NORTH FRONT STREET IN HARRISBURG.** The property has ample parking and is convenient to all downtown Harrisburg locations. The property is suited for professional office space including law firms, real estate agencies, and more. For information or entry to the property, contact Centric Bank at 717-909-8307. d14-j18

**IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA**

**A0 No. A0-23-2012**

**No. 10-19-MD-2012**

**IN RE: JUDICIAL ASSIGNMENTS  
CALENDAR YEAR 2013**

**ADMINISTRATIVE ORDER  
RULE 150 HEARING ASSIGNMENTS**

AND NOW, this 28th day of December, 2012, IT IS HEREBY ORDERED that the Rule 150 Hearing Assignments for calendar year 2013 are as follows:

January	Judge Richard A. Lewis
February	Judge Scott Arthur Evans
March	Judge Deborah Essis Curcillo
April	Judge Andrew H. Dowling
May	Judge Deborah Essis Curcillo
June	Judge Scott Arthur Evans
July	Judge Richard A. Lewis
August	Judge Deborah Essis Curcillo
September	Judge Andrew H. Dowling
October	Judge Scott Arthur Evans
November	Judge Richard A. Lewis
December	Judge Andrew H. Dowling

BY THE COURT:

j11

/s/ Todd A. Hoover, President Judge

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**IN THE COURT OF COMMON PLEAS**  
**DAUPHIN COUNTY, PENNSYLVANIA**

**AO No. A0-24-2012**

**No. 2012-CV-991-AO**

**IN RE: JUDICIAL ASSIGNMENTS**  
**CALENDAR YEAR 2013**

**ADMINISTRATIVE ORDER**  
**CIVIL MINISTERIAL MOTIONS JUDGE ASSIGNMENTS**

AND NOW, this 28th day of December, 2012, IT IS HEREBY ORDERED that the Civil Ministerial Motions Judge Assignments for calendar year 2013 are as follows:

January	Judge Bernard L. Coates, Jr
February	Judge Jeannine Turgeon
March	Judge Lawrence F. Clark, Jr.
April	Judge Bruce F. Bratton
May	Judge Jeannine Turgeon
June	Judge Bernard L. Coates, Jr.
July	Judge Lawrence F. Clark, Jr.
August	Judge Bruce F. Bratton
September	Judge Lawrence F. Clark, Jr.
October	Judge Bernard L. Coates, Jr.
November	Judge Jeannine Turgeon
December	Judge Bruce F. Bratton

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**IN THE COURT OF COMMON PLEAS**  
**DAUPHIN COUNTY, PENNSYLVANIA**

**A0 No. A0-22—2012**

**No. 10-18-MD-2012**

**IN RE: JUDICIAL ASSIGNMENTS**

**CALENDAR YEAR 2013**

**ADMINISTRATIVE ORDER**  
**CRIMINAL JUDGES’ JUDICIAL ASSIGNMENTS FOR 2013**

AND NOW, this 28th day of December 2012, IT IS HEREBY ORDERED that the following Criminal Judges’ Judicial Assignments are EFFECTIVE January 1, 2013:

**PRESIDENT JUDGE TODD A. HOOVER**

Criminal Jury Trials  
Criminal Non-Jury Trials

**Criminal Assignments**

Revocations  
Rule 600 Motions  
Suppression  
Plea Court and Sentencings  
Criminal Motions  
PCRA

**Specific Assignments**

Orphans’ Court  
Grand Jury  
Private Investigator License  
Minor Settlements, Wrongful Death/Survivor Settlements

**President Judge Assignments**

Court Administration and Department Oversight  
Adult Probation and Parole  
Court Reporters  
Domestic Relations  
Juvenile Probation and Parole  
Law Library  
Magisterial District Judges  
Court Public Relations

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**JUDGE RICHARD A. LEWIS**

Criminal Jury Trials  
Criminal Non-Jury Trials

**Criminal Assignments**

Revocations  
Rule 150 Hearings  
Rule 600 Motions  
Suppression  
Plea Court and Sentencings  
Criminal Motions  
PCRA

**Specific Assignments**

Calendar Judge (Criminal)  
Drug Court  
Naturalization Court  
Prison Board  
Juvenile Delinquency Court (back-up Judge)  
Forfeitures  
Zoning Appeals  
Exception to Masters (Divorce)

**JUDGE SCOTT A. EVANS**

Criminal Jury Trials  
Criminal Non-Jury Trials

**Criminal Assignments**

Revocations  
Rule 150 Hearings  
Rule 600 Motions  
Suppression  
Plea Court and Sentencings  
Criminal Motions  
PCRA

**Specific Assignments**

Calendar Judge (Civil)  
DUI Court  
Paternity Court  
Tax Assessment Appeal  
Asbestos  
Objection to Tax Sales

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**JUDGE DEBORAH ESSIS CURCILLO**

Criminal Jury Trials  
Criminal Non-Jury Trials

**Criminal Assignments**

Revocations  
Rule 150 Hearings  
Rule 600 Motions  
Suppression  
Plea Court and Sentencings  
Criminal Motions  
PCRA

**Specific Assignments**

DUI Court  
Injunctions  
Asbestos (FELA)  
Objection to Sheriff's Determination (Levy)  
LCB Applications

**JUDGE ANDREW H. DOWLING**

Criminal Jury Trials  
Criminal Non-Jury Trials

**Criminal Assignments**

Revocations  
Rule 150 Hearings  
Rule 600 Motions  
Suppression  
Plea Court and Sentencings  
Criminal Motions  
PCRA

**Specific Assignments**

Protection from Abuse (PFA)/ICC Hearings  
Condemnation

**BAR ASSOCIATION PAGE – Continued**

**MISCELLANEOUS SECTION**

**IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA**

**AO No. AO-21 -2012**

**No. 10-17-MD-2012**

**IN RE: JUDICIAL ASSIGNMENTS  
CALENDAR YEAR 2013**

**ADMINISTRATIVE ORDER  
CIVIL/JUVENILE JUDGES' JUDICIAL ASSIGNMENTS FOR 2013**

AND NOW, this 28th day of December, 2012, IT IS HEREBY ORDERED that the following Civil/Juvenile Judges' Judicial Assignments are EFFECTIVE January 1, 2013:

**JUDGE JEANNINE TURGEON**

Civil Jury Trials

**Civil Assignments**

P.O.'s (Preliminary Objections)  
Discovery  
Petitions  
Judgment on Pleadings  
Summary Judgment  
Status Conferences  
Open Judgment  
Non-Jury  
Contested Motions

**Specific Assignments**

Custody  
DRO Appeals Court  
Divorce Special Relief

**JUDGE LAWRENCE F. CLARK, JR.**

Civil Jury Trials

**Civil Assignments**

P.O.'s (Preliminary Objections)  
Discovery  
Petitions

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**Civil Assignments (continued)**

- Judgment on Pleadings
- Summary Judgment
- Status Conferences
- Open Judgment
- Non-Jury
- Contested Motions

**Specific Assignments**

- Emergency Custody
- Custody
- Sanctions
- Lottery
- Summary Warrant Collections
- Asbestos
- Structural Settlements
- Writ of Seizure
- Board of View
- Summary Appeal (back-up)
- PA DOT License (back-up)
- Injunctions (back-up)

**JUDGE BRUCE F. BRATTON**

Civil Jury Trials

**Civil Assignments**

- P.O.'s (Preliminary Objections)
- Discovery
- Petitions
- Judgment on Pleadings
- Summary Judgment
- Status Conferences
- Open Judgment
- Non-Jury
- Contested Motions

**Specific Assignments**

- Emergency Custody
- Custody
- Orphans' Court
- Bar Association Liaison/Rules Committee Bar
- Veteran's Court
- Asbestos

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**JUDGE BERNARD L. COATES, JR.**

Civil Jury Trials

**Civil Assignments**

P.O.'s (Preliminary Objections)  
Discovery  
Petitions  
Judgment on Pleadings  
Summary Judgment  
Status Conferences  
Open Judgment  
Non-Jury  
Contested Motions

**Specific Assignments**

Emergency Custody  
Custody  
DRO Contempt Court  
DRO Capias Court  
Summary Appeals  
Elections  
PA DOT License

**JUVENILE DELINQUENCY & DEPENDENCY JUDGE**

**JUDGE JOHN F. CHERRY**

Juvenile Delinquency  
Juvenile Dependency  
Children & Youth TPR's (Termination of Parental Rights)

**Specific Assignments**

Custody  
DRO Contempt Court  
DRO Capias Court  
Name Change Hearings

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

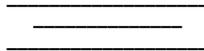
**Dauphin County Bar Association**  
**Annual Membership Meeting**

The Annual Dinner Meeting of the Dauphin County Bar Association will be held Wednesday, January 23, 2013, at 6:30 p.m. in the second floor dining room of the National Civil War Museum. The meeting will be preceded by a Social Hour in the first floor atrium beginning at 5:30 p.m. The cost of the dinner is \$35.00 per person.

The Nominating Committee of the Dauphin County Bar Association, in accordance with Article V. Section 2 of the By-Laws, submits the following nominations for officers and directors of the Board for the term of one year or as otherwise indicated, beginning February 1, 2013:

President Elect:	John D. Sheridan
Vice President:	Pamela C. Polacek
Secretary:	J. Michael Sheldon
Treasurer:	John J. McCarthy
Directors (2-year term):	Matthew M. Haar Dale E. Klein Terrence J. McGowan Renee C. Mattei Myers Narcisco A. Rodriguez-Cayro
Directors (1-year term):	John W. Frommer (will be taking place of J. Michael Sheldon)

By virtue of Article V, Section 1 of the By-Laws, Jonathan W. Kunkel will automatically succeed to the office of President. j11



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**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**DAUPHIN COUNTY COURT OF COMMON PLEAS**

As a service to members of the *Dauphin County Bar Association*, a brief synopsis of verdicts from each civil trial term will be printed.

**Summary of Verdicts from the September 2012 Civil Jury Term.**

The Judges have completed the September 2012 civil jury term. Two civil cases reached verdict during the September civil term and the summary is as follows:

**NORMAN L. AND KATHRYN RYNARD, HUSBAND AND WIFE v. JAMES MCINERNEY, M.D. AND THE MILTON S. HERSHEY MEDICAL CENTER (2010 CV 9303).**

Mr. Rynard was in the early stages of Parkinson's Disease when he heard from a friend about Deep Brain Stimulator (DBS) surgical procedure as treatment for the condition. Mr. Rynard argued that he was totally functional when he learned about this procedure, ran his own business, played golf and was able to perform tasks requiring considerable manual dexterity. He discussed this procedure with his treating neurologist who referred him to Dr. McInerney at the Hershey Medical Center. Dr. McInerney referred him to Dr. Farace, a neuropsychologist. After testing, Dr. McInerney determined that Mr. Rynard was a candidate for this procedure and performed the surgery. Following the surgery, Dr. Farace retested him and found alarming neuropsychological changes in behavior. Following surgery, Mr. Rynard was no longer able to work. Plaintiffs asserted that the results of the surgery were extremely negative and that Dr. McInerney failed to provide necessary information regarding the limited benefits, risks and side-effects of the surgery before obtaining his consent. Plaintiffs also argued that the surgery was not necessary or appropriate at the time because he did not have symptoms that the surgery was intended to remedy.

**Counsel for Plaintiffs:** Thomas Hall  
**Counsel for Defendants:** Grant Fleming  
**Judge:** Andrew H. Dowling  
**Verdict:** Defendants

**AMY SAWHILL v. WILLIAM MENTZER, JR. V. PENRAC, INC. (2008 CV 12491).**

This matter stems from a motor vehicle accident that occurred on February 27, 2007. Plaintiff was operating her car on a ramp on the Pennsylvania Turnpike in Lower Swatara Township, Dauphin County. Plaintiff was stopped on the ramp and attempting to merge into traffic when Defendant Mentzer's car hit the rear of Plaintiff's vehicle. Plaintiff suffered cervical whiplash and a possible concussion. After a CT scan, plaintiff was diagnosed with post-concussion syndrome. Plaintiff suffered neurological deficiencies, coordination issues, imbalance, fatigue, slurred speech, and loss of motor skills.

**Counsel for Plaintiff:** Stephen R. McDonnell  
**Counsel for Defendants:** Jaime Wertz  
**Judge:** Bernard L. Coates, Jr.  
**Verdict:** Plaintiff — \$8335.00.

**BAR ASSOCIATION PAGE – Continued**  
**MISCELLANEOUS SECTION**

**DAUPHIN COUNTY COURT OF COMMON PLEAS**

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**Summary of Verdicts from the October 2012 Civil Jury Term.**

The Judges have completed the October 2012 civil jury term. Two civil cases reached verdict during the October civil term and the summary is as follows:

**LINDA LAFF, EXECUTOR OF THE ESTATE OF LILLIAN GLASS, DECEASED  
v. JEWISH HOME OF GREATER HARRISBURG, D/B/A THE  
RESIDENCE, JEWISH HOME OF GREATER HARRISBURG (2009 CV  
10920).**

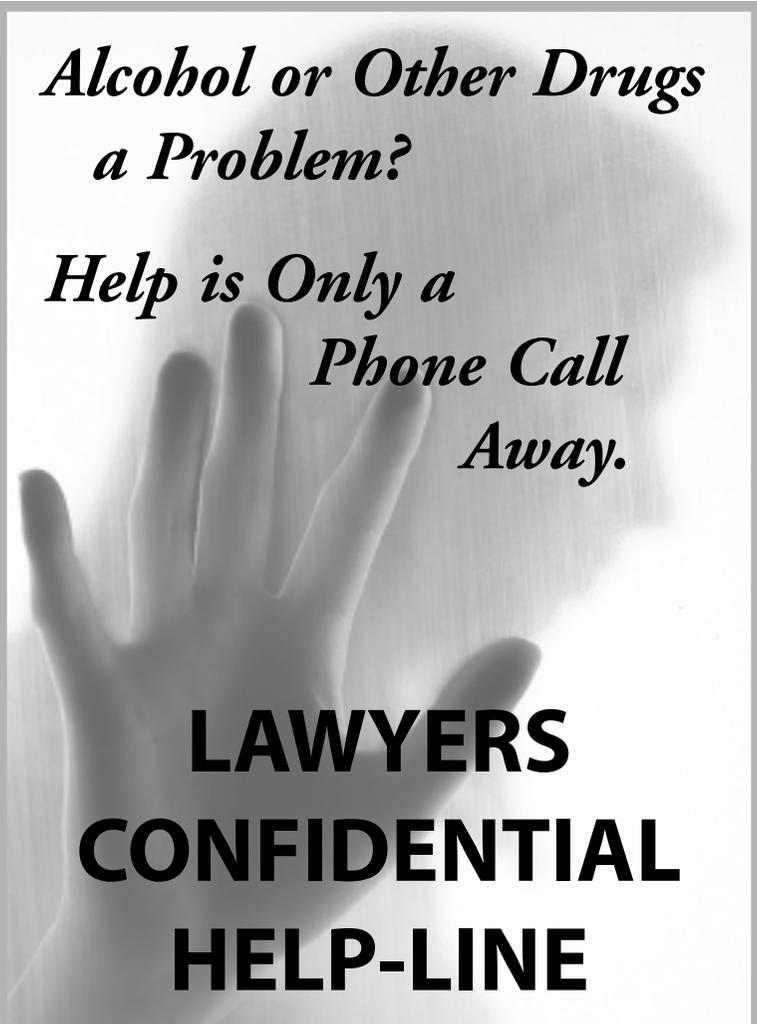
Plaintiff, on behalf of her deceased 96 year old mother, brought suit for negligent management and neglect of a resident in their personal care home (The Residence) and later in their skilled nursing home (The Facility). [For a detailed fact recitation, see 125 Dauph.Co.Rptr. 94 (August 14, 2012)]. The jury found negligence and factual cause regarding “The Facility” section of the Jewish Home.

**Counsel for Plaintiff:** Ruben J. Krisztal  
**Counsel for Defendant:** David T. Bush  
**Judge:** Jeannine Turgeon  
**Verdict:** Plaintiff — \$30,000.00

**WILLIAM B. VITEZ AND DAWN A. VITEZ v. INCLINATOR COMPANY OF  
AMERICA AND JANE DOE A/K/A TONYA A. MACE (2002 CV 4554).**

This accident occurred on October 9, 2000. Negligence was admitted but Defendants argued that their negligence was not the factual cause of Plaintiff’s injuries. Plaintiff William Vitez, a car salesman, was rear-ended by a truck driven by Tonya Mace who was within the scope of her employment with Inclinator Company of America. Plaintiff’s face struck the middle pillar of the car and he suffered a concussion, lost tooth, contusions and a neck sprain. He returned to work eight days after the accident. Defendants denied that Plaintiff suffered head/teeth injuries from the accident.

**Counsel for Plaintiffs:** Karl Hildabrand  
**Counsel for Defendants:** Stephen L. Banko, Jr.  
**Judge:** John F. Cherry  
**Verdict:** Defendants



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