

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,
PENNSYLVANIA
CIVIL ACTION – LAW

ADVANCED COOLING TECHNOLOGIES INC, Plaintiff
vs.
RICHARD BONNER and ACCELSIUS, Defendants
No. CI-23-03275

OPINION

This matter is before the Court on Plaintiff Advanced Cooling Technologies, Inc.'s Motion for Sanctions against Defendants Richard Bonner and Accelsius. After a hearing on November 26, 2024, and briefing by the parties, this matter is ripe for review.

I. FACTUAL AND PROCEDURAL BACKGROUND

In May of 2023, Plaintiff filed this trade-secrets and unfair-competition case claiming that data-center-cooling startup Accelsius illegally poached Defendant Bonner from thermal-management-solution company Advanced Cooling Technologies ("ACT"). Defendant Bonner spent 18 years with ACT in positions of Vice President of Research and Development, Chair of the Product Planning Committee, patent strategist, shareholder, and top engineer. Plaintiff filed a Motion for Special Injunction where a hearing was subsequently held addressing the issue. In order to defeat the Motion for Special Injunction, Defendants assured the Court that ACT's trade secrets were not at risk because Defendant Accelsius was solely commercializing a technology developed by Nokia. Defendant Bonner specified that "Accelsius' business is solely focused on commercializing proprietary cooling system initially developed at Nokia Bell Labs, for use in Data Center Cooling." Defendants Response to Special Injunction Motion, at 2.

This Court denied Plaintiff's Motion for a Special Injunction based on a finding of the truthfulness of Defendants' testimony. Specifically, this Court said, "Dr. Bonner and his witness credibly testified that the business Dr. Bonner now works for is vastly different from Plaintiff and Dr. Bonner has no need to use any trade secrets or confidential information in his new employment."

On November 26, 2024, this Court held an evidentiary hearing on the Plaintiff's Motion for Sanctions. This motion stemmed from allegations of bad faith conduct and misrepresentations made by Defendants throughout the course of the litigation, specifically concerning the nature of Accelsius's data center cooling technology. The core dispute centers around Defendants' representations made during the Preliminary Injunction hearing held on May 19, 2023, regarding ACT's commercialization of the Nokia passive loop thermosyphon technology.

The hearing focused on evidence and arguments presented by both parties relating to these allegations. Plaintiff presented evidence, including deposition testimony, documentary exhibits, and witness testimony (details of which are drawn from the hearing transcript), to

support their contention that Defendants had misrepresented their technology, falsely claiming a focus on the Nokia passive loop system while actually pursuing a different, pumped two-phase system. This evidence aimed to demonstrate that Defendants' claims were not mere misunderstandings, but intentional misrepresentations designed to gain an advantage in the litigation.

Defendants Accelsius and Bonner responded to these allegations, arguing that their statements about the Nokia technology were either not misrepresentations or, if they were, not material to the case. They presented arguments and evidence (details of which are drawn from the hearing transcript) to support their contention that their focus was on data center cooling broadly, regardless of the specific technology. They also addressed the specific instances of alleged misrepresentation cited by Plaintiff, attempting to explain or contextualize their previous statements.

The hearing also addressed the specific instances of alleged misrepresentation cited by Plaintiff, including statements made during the preliminary injunction hearing and in subsequent pleadings and public disclosures. Defendants offered explanations for these statements, arguing that they were either taken out of context, unintentional, or related to a broader focus on data center cooling solutions. Plaintiff countered these explanations, arguing that the evidence demonstrated a consistent pattern of misrepresentation designed to mislead the Court.

Following the presentation of evidence and arguments, the parties were afforded the opportunity to file post-hearing briefs. Plaintiff seeks This Court to (1) Grant their Motion for Sanctions; (2) Direct ACT to file a fee petition within ten days from the date of its order under 42 Pa.C.S. § 2503(9), Pa.R.C.P. 1023.1, or its own inherent authority; (3) Reconsider and reverse its May 19, 2023, order denying ACT's motion for special injunction, or alternatively, temporarily restrain Bonner until sufficient expedited discovery can occur to allow ACT to proceed with a renewed special injunction motion; and (4) Order any other relief the Court deems just and appropriate. The hearing concluded with the Court taking the matter under advisement. This Opinion constitutes the Court's findings and conclusions based on the evidence and arguments presented at the November 26, 2024, hearing.

II. STANDARD OF REVIEW

The denial or granting of a request for counsel fees is a matter within the discretion of the trial court and will be reversed on appeal only when there is a clear abuse of discretion. *Lesoon v. Metropolitan Life Ins. Co.*, 2006 PA Super 67, 898 A.2d 620 (2006). Courts possess great latitude and discretion in awarding attorney's fees when authorized by statute. *See In re Padezanin*, 2007 PA Super 350, 937 A.2d 475 (2007); *James Corp. v. North Allegheny School Dist.*, 938 A.2d 474, 228 Ed. Law Rep. 373, 47 A.L.R.6th 657 (Pa. Commw. Ct. 2007). If there is support in the record for the trial court's findings of fact that the conduct of the party was obdurate, vexatious or in bad faith, an appellate court will not disturb the trial court's decision. *Scalia v. Erie Ins. Exch.*, 878 A.2d

116 (Pa. Super. 2005).

III. DISCUSSION

A. Sanctions under 42 Pa.C.S. § 2503(9) and § 2503(7)

Before the Court is Plaintiff's Motion for Sanctions against Defendants pursuant to 42 Pa.C.S. § 2503(9), alleging bad faith conduct during the course of this litigation. At issue is whether Defendants' representations concerning their commercialization of the Nokia passive loop thermosyphon technology constitute sanctionable bad faith. After careful consideration of the parties' arguments, the evidentiary record, and applicable law, the Court finds that Defendants acted in bad faith.

Pennsylvania law permits the recovery of attorney's fees only where explicitly authorized by statute. *See generally Sayler v. Skutches*, 2012 PA Super 23, 40 A.3d 135 (2012); *Merlino v. Delaware County*, 556 Pa. 422, 728 A.2d 949 (1999). Courts may impose sanctions in rules that do not require a finding of contempt. *See Cnty. of Fulton v. Sec. of Cmmw.*, 292 A.3d 1013 (Pa. 2023), *cert. denied sub nom. Fulton Cnty., Pennsylvania v. Sec. of the Cmmw. of Pennsylvania*, 144 S. Ct. 283 (2023). While 42 Pa.C.S. § 1726(1) generally disallows attorney's fees as taxable costs, 42 Pa.C.S. § 2503 creates a crucial exception. *See MFW Wine Co., LLC v. Pennsylvania Liquor Control Bd.*, 276 A.3d 1225 (Pa. Cmmw. 2022), *aff'd*, 318 A.3d 100 (Pa. 2024) (noting that Section 1726(a)(1) of the Judicial Code declares: "Attorney[']s fees are not an item of taxable costs except to the extent authorized by [S]ection 2503 [of the Judicial Code, 42 Pa.C.S. § 2503] (relating to right of participants to receive counsel fee)).

Specifically, subsections (7) and (9) of § 2503 permit fee awards for "dilatory, obdurate, or vexatious" conduct during litigation, and for "arbitrary, vexatious, or bad faith" conduct in commencing or otherwise pursuing a matter, respectively. Each of these terms have been narrowly defined as follows:

An opponent's conduct has been deemed to be "arbitrary" within the meaning of the statute if such conduct is based on random or convenient selection or choice rather than on reason or nature. An opponent also can be deemed to have brought suit "vexatiously" if he filed the suit without sufficient ground in either law or in fact and if the suit served the sole purpose of causing annoyance. Finally, an opponent can be charged with filing a lawsuit in "bad faith" if he filed the suit for the purpose of fraud, dishonesty, or corruption.

Thunberg v. Strause, 545 Pa. 607, 615–616, 682 A.2d 295, 299–300 (1996).

An award of counsel fees is intended to reimburse an innocent litigant for expenses made necessary by the conduct of an opponent. *See Am. Mut. Liab. Ins. Co. v. Zion & Klein, P.A.*, 489 A.2d 280 (Pa. Super.

1985). Such an award is not usually intended to include reimbursement for fees and expenses incurred in proceedings to recover such attorney's fees under 42 Pa.C.S. § 2503. *Id.* Furthermore, "because 42 Pa.C.S. § 2503(9) reads in the disjunctive, the trial court needed only to find that one of the factors was present, *i.e.* that the action was initiated arbitrarily." *Thunberg*, 545 Pa. at 619, 682 A.2d at 301.

These provisions, however, must be narrowly construed, as they represent a departure from the common law rule requiring each party to bear its own legal expenses. See *Cher-Rob, Inc. v. Art Monument Co.*, 406 Pa. Super. 330, 594 A.2d 362 (1991). The burden of proving such sanctionable conduct rests squarely with the party seeking fees. See *Bowers v. Valley Mutual Insurance Company*, 28 Pa. D. & C.3d 327 (1983). Bad faith, in this context, has been defined as "fraud, dishonesty or corruption." *Id.*

B. Prevailing Party Status Not Required under §2503(7) and § 2503(9)

Plaintiff seeks attorney's fees under 42 Pa.C.S. § 2503(9), and even § 2503(7) provides ample basis for such an award. Defendants' argument that a final trial decision is a *sine qua non* for attorney's fees under § 2503(9) is, to put it mildly, perplexing, and demonstrates a fundamental misunderstanding of the statute's purpose and plain language. The notion that such an award hinges on a "shifting" of taxable costs following a trial is a construct unsupported by either the statute itself or any discernible precedent.

Section 2503(9) empowers this Court to award reasonable counsel fees as taxable costs where "the conduct of another party in commencing the matter *or otherwise* was arbitrary, vexatious or in bad faith." (emphasis added). This language, remarkably clear, focuses on *conduct*, not *outcome*. Section 2503(9) and Section 2503(7), notably silent on the matter, nowhere condition an award of counsel fees on prevailing party status or final judgment. This is particularly telling when contrasted with Section 2503(5), which explicitly limits fee awards to "the prevailing party in an interpleader proceeding in connection with execution upon a judgment." The conspicuous absence of such language in subsections (7) and (9) strongly suggests a deliberate legislative choice not to impose the same requirement. To interpret §2503(9) as requiring prevailing party status would be to ignore this crucial distinction and to add words where the legislature chose to omit them, an act of judicial overreach this Court pointedly rejects. See *Commonwealth v. Collins*, 286 A.3d 767, 774 (Pa. Super. 2022) (noting when a section of a statute contains a given word, the omission of such word from a similar section of the statute shows a different legislative intent); See also *Commonwealth v. Johnson*, 125 A.3d 822, 830-31 (Pa. Super. 2015); *Commonwealth v. Berryman*, 437 Pa. Super. 258, 649 A.2d 961, 965 (1994) (where a legislature includes specific language in one section of a statute and excludes it from another, that language should not be implied where excluded).

The "commencing the matter or otherwise" language within Section

5203(9), with its commendable breadth, clearly demonstrates legislative intent to encompass a broad range of sanctionable actions, including, those occurring during the pendency of litigation. Bad faith is not confined to the initial filing, like some sort of procedural original sin; it can, and often does, manifest at any stage, from discovery abuses and frivolous motions to, as alleged here, misrepresentations to the Court. *See Bucks Cnty. Servs., Inc. v. Phila. Parking Auth.*, 71 A.3d 379, 393 (Pa.Cmwltth.2013).

Plaintiff's argument that prevailing party status is unnecessary under § 2503(9) are well-supported by Pennsylvania case law. This sensible interpretation aligns with § 2503(9)'s purpose: deterring and punishing bad-faith conduct that abuses the judicial process, not simply rewarding those fortunate enough to prevail. *See Cher-Rob, Inc. v. Art Monument Co.*, 594 A.2d 362 (Pa. Super. 1991).

Specifically, *Cher-Rob's* analysis of prior cases, with its illuminating clarity, reinforces this point. The court cited *Brenckle v. Arblaster*, 320 Pa. Super. 87, 466 A.2d 1075 (1983), where fees were upheld for bad-faith obstruction of court orders during litigation. *Cher-Rob*, 594 A.2d at 364. Similarly, *In re Estate of Roos*, 305 Pa. Super. 86, 451 A.2d 255 (1982), awarded fees for arbitrary and vexatious conduct in commencing the lawsuit. *Id.* These cases, discussed in *Cher-Rob*, show that § 2503 sanctions apply to conduct at various litigation stages and do not hinge on prevailing party status. The emphasis, quite rightly, remains on the nature of the conduct.

Furthermore, *Santoro v. City of Philadelphia*, 429 A.2d 113 (Pa. Cmwlth. 1981), provides further, albeit indirect, support for Plaintiff's argument. While *Santoro* involved the City prevailing, the fee award under § 2503(9) was not solely based on that fact. The court focused on the *Defendants'* "vexatious" conduct in resisting the City's claims, mirroring § 2503(9)'s criteria of "arbitrary, vexatious or in bad faith." *Santoro*, 429 A.2d at 118. The City's success provided context, but the *Defendants' conduct* was the basis for the award.

Defendants' reliance on a "shifting taxable costs" argument is outright misguided. While § 2503 fees are included in taxable costs, they are not traditional costs. They are a sanction for improper conduct, distinct from routine expenses. The power to impose these sanctions exists independently of a merit determination. *See Bucks Cnty. Servs., Inc.*, 71 A.3d at 393. Therefore, Defendants' argument that a final trial decision is required for § 2503(9) fees is demonstrably incorrect. This Court will not condone, and will sanction, bad-faith conduct occurring before it, whether at the commencement of the matter or otherwise.

C. Defendants' Material Misrepresentations

The conduct underlying Plaintiff's § 2503(9) claim could, with equal justification, support fees under § 2503(7). Defendants' alleged misrepresentations and deceptive testimony could be deemed dilatory, obdurate, or vexatious. "Dilatory" means unwarranted delay; "obdurate," stubborn resistance; and "vexatious," actions without reasonable cause, intended to harass. Defendants' misrepresentations can very

well fall under these categories. Thus, even if the conduct does not rise to bad faith under § 2503(9), it could justify sanctions under § 2503(7). See *Cher-Rob, Inc.*, 594 A.2d at 362.

Here, Plaintiff's motion rests on Defendants' alleged pattern of deception and misrepresentation concerning the Nokia passive loop thermosyphon technology. Plaintiff claims, and provides substantial evidence to support, that Defendants falsely claimed active and sole commercialization of this technology, a claim directly contradicted by CEO Claman's own deposition testimony admitting its abandonment prior to the litigation. This directly contravenes the principle that "[a] party has a duty under the rule not to persist with [a] contention" lacking an "evidentiary basis." Pa.R.C.P. 1023.1, 2003 Explanatory Comment. Furthermore, Plaintiff presents evidence of Defendant Accelsius's pivot to a different, pumped two-phase system and their collaboration with Intel on related projects, a stark contrast to their public representations.

Crucially, Plaintiff highlights Defendants' representations during the preliminary injunction hearing, where they, through testimony and exhibits, maintained their focus on the Nokia technology. For example, during the injunction hearing, Mr. Taus, representing Accelsius, testified that the Nokia technology was "the company's singular focus as a startup company," See Trial Ex. I Inj. Hr'g Tr. Taus 93-94, and that Accelsius's intention was to commercialize a product "covered by its intellectual property," specifically referencing the Nokia patents. See Trial Ex. I Inj. Hr'g Tr. Taus 85-86; 90-91. This directly conflicts with CEO Claman's later deposition testimony admitting the abandonment of the Nokia technology *before* the lawsuit. See Trial Ex. 32 Claman Deposition. This inconsistency alone raises serious concerns about the veracity of Defendants' representations.

These representations, Plaintiff argues, were intentional, designed to mislead the Court and are, thus, sanctionable. See *e.g., McCann v. Unemployment Comp. Bd. of Rev.*, 562 Pa. 393, 399 (2000) ("[C]ourts possess an inherent authority to guard the integrity of judicial proceedings by sanctioning egregious conduct of litigants."). They correctly assert this bad faith directly influenced the preliminary injunction hearing, leading to the denial of their motion based on the now-exposed falsehood that Bonner's expertise was irrelevant. Plaintiff also details the substantial costs incurred due to Defendants' misrepresentations, specifically the extensive discovery into the irrelevant Nokia technology. This wasted effort underscores the principle that "[a]n award for counsel fees...is meant to compensate the innocent litigant for costs caused by the actions of the opposing party." *Maurice A. Nernberg & Assocs. v. Coyne*, 920 A.2d 967, 972 (Pa.Cmwlth.2007).

Defendants, in response, deny any misrepresentation, or at least its materiality. They claim the focus was on "data center cooling broadly," not the specifics of the technology, and attempt to use Plaintiff's CEO's testimony to bolster their position. However, the record reveals a critical discrepancy: Defendants did mischaracterize testimony during the preliminary injunction hearing. Their representations concerning ex-

clusive focus on the Nokia technology are demonstrably false, as CEO Claman's deposition testimony clearly establishes its abandonment *before* this litigation. Despite this, Defendants persisted in presenting evidence and making representations suggesting otherwise, including the aforementioned testimony from Mr. Taus and the reliance on the Nokia patents as the basis of Accelsius's technology.

Defendants' specific babblative arguments are unpersuasive. Their claim of immateriality is untenable. Even if the injunction decision ultimately rested on other grounds, the false statements about the technology could have influenced the Court's understanding and, critically, its assessment of credibility. As the Pennsylvania Superior Court has noted, misrepresentations are material when they "could have affected the course or outcome of the proceeding." *Com. v. Williams*, 565 A.2d 160, 166 (Pa. Super. Ct. 1989). "That it could have affected the outcome is sufficient." *Id.* Plaintiff has also presented compelling evidence demonstrating that these misrepresentations directly and materially influenced the Court's prior ruling on the preliminary injunction. Specifically, the Court's prior order reflects its reliance on Defendants "credible testimony," yet the Court's reliance was on a now-demonstrated false assertion that Bonner's expertise was irrelevant because Accelsius was "solely focused" on the Nokia technology. *See* Trial Ex. 2 Order May 19, 2023. This reliance, induced by Defendants' misrepresentations, directly contradicts the subsequently revealed reality of Accelsius's actual technological pursuits, thereby undermining the very foundation upon which the Court's prior decision rested.

D. Reconsideration of Plaintiff's Motion for Special Injunction

Regarding Plaintiffs' request for reconsideration and reversal of the May 19, 2023, order denying their motion for a special injunction, or alternatively, to temporarily restrain Bonner pending expedited discovery, the Court finds that, at this juncture, in the year 2025, such relief would be of limited practical value. The alleged harm, specifically the extensive discovery costs incurred by Plaintiffs directly as a result of Defendants' misrepresentations regarding the Nokia technology, and the potential compromise of Plaintiffs' trade secrets due to the denial of the injunction based on those same misrepresentations, has already occurred, rendering reconsideration of the special injunction a largely symbolic exercise. While the Court acknowledges the potential merit of Plaintiff's arguments concerning the initial denial of the injunction, particularly given the evidence subsequently adduced regarding the alleged misrepresentations made by Defendants, the passage of time—nearly two years—has significantly altered the circumstances. While injunctions can serve to maintain the status quo, their core purpose is to prevent or mitigate irreparable harm. *See generally* Pa.R.C.P. 1531 (discussing injunctive relief). Given that the specific harms alleged by Plaintiff—the substantial discovery expenses and the potential trade secret compromise—have already occurred – the bell cannot be un-rung, so to speak – reconsidering the injunction itself would offer little practical benefit in directly remedying those harms.

Therefore, rather than revisiting a preliminary matter that has been overtaken by subsequent events, the Court directs Plaintiff to incorporate any damages stemming from the denial of the preliminary injunction, including the substantial discovery costs incurred as a direct result of Defendants' misrepresentations and any losses or damages flowing from the potential compromise of Plaintiff's trade secrets, as elements of their overall damages claim for trial before the jury. This approach will allow the jury to fully consider the impact of Defendants' actions, including the specific harms caused by the denial of the preliminary injunction, in determining the appropriate measure of relief. This consolidation of claims promotes judicial efficiency and avoids the potential for piecemeal litigation. *See, e.g., Rae v. Pennsylvania Funeral Directors Ass'n*, 977 A.2d 1121 (Pa. 2009) (discussing the principle of avoiding piecemeal litigation to prevent a "substantial" burden on the "orderly administration of justice").

Furthermore, allowing the jury to consider the denial of the injunction, along with its direct consequences for Plaintiff, including the discovery costs and potential trade secret issues, as part of the overall damages calculation ensures that Plaintiff is afforded a full and fair opportunity to recover for any losses they may have sustained as a result of Defendants' actions, even if specific injunctive relief is no longer the appropriate remedy. While the Court acknowledges Plaintiff's arguments concerning the need for expedited discovery, the extensive discovery that has already taken place in this matter, coupled with the Court's inherent power to manage discovery, *see* Pa. R.C.P. 4001 *et seq.*, provides sufficient tools to ensure that Plaintiff is adequately prepared for trial. The Court is confident that the jury can appropriately assess any damages arising from the denial of the preliminary injunction, including the specific harms detailed by Plaintiffs, within the broader context of the case.

IV. CONCLUSION

In conclusion, after careful consideration of the evidence and arguments presented at the November 26, 2024, evidentiary hearing, the Court finds that Defendants made material misrepresentations to the Court regarding their commercialization of the Nokia passive loop thermosyphon technology. These misrepresentations, as detailed above, directly and materially influenced the Court's prior denial of Plaintiff's motion for a special injunction, causing Plaintiff to incur substantial unnecessary discovery costs and potentially compromising Plaintiff's trade secrets. While the Court acknowledges Plaintiff's request to reconsider the prior injunction ruling, the passage of time and the nature of the harm incurred render such reconsideration impractical. Therefore, Plaintiff is directed to incorporate these damages, including discovery expenses and losses related to potential trade secret compromise, into their overall damages claim for trial. The Court issues the following order:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY,
PENNSYLVANIA

CIVIL ACTION – LAW

ADVANCED COOLING TECHNOLOGIES INC, Plaintiff

vs.

RICHARD BONNER and ACCELSIUS, Defendants

No. CI-23-03275

ORDER

AND NOW, this 14th day of February 2025, upon review of Plaintiff's Motion for Sanctions and all related filings, the Motion for Sanctions is hereby GRANTED as follows:

1. As a sanction for Defendants' conduct Plaintiff may EITHER:

a. Present evidence at trial concerning: (a) Defendants' misrepresentations, and (b) the unnecessary attorney's fees and costs of discovery reasonably associated with investigating and litigating said misrepresentations as a recoverable damage; OR

b. Submit a petition and affidavit for attorney's fees and costs, supported by appropriate documentation for determination by the Court, within ten (10) days of the date of this Order, pursuant to 42 Pa.C.S. § 2503(9). Defendants may respond to the petition within seven (7) days after service of the petition.

2. Plaintiff's request for reconsideration and reversal of the May 19, 2023, Order denying Plaintiff's motion for Special Injunction is DENIED.

BY THE COURT:



LEONARD G. BROWN III, PRESIDENT JUDGE

ATTEST:

Copies to:

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ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

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SECOND PUBLICATION

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Law, 101 North Pointe Blvd.,
Suite 202, Lancaster, PA 17601.
Attorney: Maranda L. Moyer,
Esq.

Dewald, John R., dec'd.
Late of Manheim Township.
Executrix: Jamie S. Carpenter
c/o Appel Yost LLP, 33 North
Duke Street, Lancaster, PA
17602.
Attorney: James K. Noel, IV,
Esq.

Dickerson, Terry W., dec'd.
Late of Lancaster City.
Executor: Valerie Cosby c/o Bel-

lomo & Associates, LLC, 3198 East Market Street, York, PA 17402.
Attorney: Jeffrey R. Bellomo, Esquire.

Dixon-Taltoan, Patricia A. a/k/a Patricia Ann Dixon-Taltoan, dec'd.

Late of Lancaster City.
Co-Executors: Melissa V. Dixon and Karen G. Dixon c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Dougherty, Randall C., dec'd.

Late of East Hempfield Township.
Executor: James J. Dougherty c/o RKG Law, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.
Attorney: Lindsay M. Schoeneberger, Esquire.

Eberly, Shelba J. a/k/a Shelba Jean Eberly, dec'd.

Late of Lancaster Township.
Executor: Jeffrey A. Eberly c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.
Attorney: Gretchen M. Curran.

Elia, Kathryn A., dec'd.

Late of Manor Township.
Executor: Erin E. Maddox c/o 327 Locust Street, Columbia, PA 17512.
Attorney: Michael S. Grab, Esquire, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Fedor, John M., dec'd.

Late of Lancaster Township.
Executor: Paul Christopher Fedor c/o Paul Christopher Fedor, 24161 E. Mewes Rd., Queen Creek, AZ 85142.
Attorney: None.

Hartman, Dorothy H. a/k/a Dorothy Huntsman Hartman a/k/a Dorothy J. Hartman, dec'd.

Late of Ephrata Borough.
Executor: Jeffrey L. Hartman c/o Anthony P. Schimanek, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.
Attorneys: Morgan, Hallgren, Crosswell & Kane, P.C.

Herr, Helen M., dec'd.

Late of Penn Township.
Executor: John R. Gibbel c/o Thomas M. Gish, Sr., Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess, LLP.

Herr, Leila Ferguson a/k/a Leila B. Herr, dec'd.

Late of West Lampeter Township.
Executrix: Nancy L. Swarr c/o Appel Yost LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Jones, Frances L., dec'd.

Late of Manheim Township.
Executors: Thomas R. Jones and Robert S. Jones c/o RKG Law, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.
Attorney: Lindsay M. Schoeneberger, Esquire.

Killian, Theodore J., dec'd.

Late of Lancaster.
Executor: Richard R. Killian c/o
Richard R. Killian, 546 Summit
Drive, Lancaster, PA 17601.
Attorney: None.

Lacquement, Connie J., dec'd.

Late of Elizabethtown.
Personal Representatives: Mech-
ele L. Swope and Brian D. Swope
c/o Megan C. Huff, Esquire,
Nestico Druby, P.C., 1135 East
Chocolate Avenue, Hershey, PA
17033.
Attorney: Megan C. Huff, Es-
quire.

Lee, Avery C., dec'd.

Late of West Donegal Township.
Executor: Paul A. Lee c/o Ni-
kolaus & Hohenadel, LLP, 222
South Market Street, Suite 201,
Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Es-
quire.

**Mitchell, Sara Nicole a/k/a Sara
N. Mitchell, dec'd.**

Late of Elizabeth Township.
Executrix: Judy Habecker c/o
Gardner and Stevens, P.C., 109
West Main Street, Ephrata, PA
17522.
Attorney: John C. Stevens.

**Nalin, Dimitry f/k/a Robert C.
Schlorer, dec'd.**

Late of Mount Joy Borough.
Executor: Richard J. Gromen,
Jr. c/o Richard J. Gromen, Jr.,
3121C Mount Joy Road, Mount
Joy, PA 17552.
Attorney: Richard J. Gromen,
Jr.

**Neidig, Judith L. a/k/a Judith
Lee Neidig a/k/a Judith K. Nei-
dig a/k/a Judith L. Kennedy**

a/k/a Judy L. Neidig, dec'd.

Late of Lancaster City.
Executrix: Marianne Calenda
c/o Kristen L. Hartman, Es-
quire, Barley Snyder LLP, 126
East King Street, Lancaster, PA
17602.
Attorneys: Barley Snyder LLP.

**Rowe, Mary K. a/k/a Mary Kath-
ryn Rowe, dec'd.**

Late of Manor Township.
Executrix: Jessica Wenger c/o
Vance E. Antonacci, Esquire,
McNees Wallace & Nurick LLC,
570 Lausch Lane, Suite 200,
Lancaster, PA 17601.
Attorneys: McNees Wallace &
Nurick LLC.

**Schmeing, Janet Louise a/k/a
Janet L. Schmeing, dec'd.**

Late of Providence Township.
Administratrix: Carlyn Fasnacht
c/o Bellomo & Associates, LLC,
3198 East Market Street, York,
PA 17402.
Attorney: Jeffrey R. Bellomo, Es-
quire.

**Weeber, Genevieve M. a/k/a
Genevieve Mae Weeber, dec'd.**

Late of East Drumore Township.
Executor: Stephen A. Weeber,
128 Yellow Birch Ct., Lake Fred-
erick, VA 22630.
Attorney: None.

Weyand, Glenn W., dec'd.

Late of West Donegal Township.
Executrix: Corinne W. Bulley
c/o Edward P. Seeber, Esquire,
JSDC Law Offices, Suite C-400,
555 Gettysburg Pike, Mechan-
icsburg, PA 17055.
Attorney: Edward P. Seeber, Es-
quire.

Wissler, John David a/k/a John D. Wissler, dec'd.

Late of Warwick Township.
Administratrix: Jeanine L. Schreiber c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.
Attorney: Kurt A. Gardner.

Zhang, Kenny a/k/a Zu Keng Zhang, dec'd.

Late of Manheim Township.
Administratrix: Xiurong Chen c/o Smigel, Anderson & Sacks, L.L.P., 4431 N. Front Street, FL3, Harrisburg, PA 17110.
Attorney: Susan H. Confair, Esquire.

THIRD & FINAL PUBLICATION

Bair, David R. a/k/a David Ross Bair, dec'd.

Late of Akron Borough.
Co-Executors: Michael D. Bair and Laura N. Pacheco c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Barron, Barbara A., dec'd.

Late of Borough of Elizabethtown.
Executrix: Brenda K. O'Donnell c/o Nikolaus & Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022.
Attorney: Maria C. Kissinger, Esq.

Brubaker, Mildred N., dec'd.

Late of Paradise Township.
Executor: Eugene M. Brubaker c/o Glick, Goodley, Deibler & Fanning, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Thomas A. Fanning,

Esq., Glick, Goodley, Deibler & Fanning, LLP.

Burks, Joan Piersol, dec'd.

Late of West Lampeter Township.
Executor: William C. Burks c/o Paterson Law LLC, 2819 J Willow Street Pike N., Willow Street, PA 17584.
Attorney: Kim Carter Paterson.

Carr, Elizabeth D. a/k/a Elizabeth Dorothy Carr, dec'd.

Late of Denver Borough.
Executor: William J. Carr, Jr. 125 Fair Oaks Avenue, Horsham, PA 19044.
Attorney: None.

Carr, Patricia M. a/k/a Patricia Mary Carr, dec'd.

Late of Denver Borough.
Executor: William J. Carr, Jr. 125 Fair Oaks Avenue, Horsham, PA 19044.
Attorney: None.

Cremer, Marie T., dec'd.

Late of West Hempfield Township.
Executors: Donna Kloidt and William H. Kloidt c/o John F. Markel, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.
Attorney: John F. Markel.

Crozier, Wesley Wayne, dec'd.

Late of East Hempfield Township.
Executrix: Retalyn Crozier c/o George H. Eager, Esquire, 1576 Lititz Pike, Lancaster, PA 17601.
Attorneys: Eager, Stengel, Quinn, Babic & Eager.

Dowell, Ronald E., dec'd.

Late of West Donegal Township.

Co-Executrices: Cynthia E. Criswell and Patricia L. McKinney c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esquire.

Frank, Richard H., dec'd.

Late of Manheim Township.

Executors: Dean L. Frank, Audrey J. Rohrer and Dale R. Frank c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esquire.

Geib, Linda S., dec'd.

Late of Strasburg Township.

Administrator: Robert E. Geib, Jr. c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.

Attorney: Jeffrey S. Shank, Esquire.

Gilotti, Catherine a/k/a Catherine Veronica Gilotti, dec'd.

Late of Caernarvon Township.

Executrix: Michele Maahs c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.

Attorneys: Smoker Gard Associates LLP.

Goeke, Marie A. a/k/a Marie Ann Goeke, dec'd.

Late of West Earl Township.

Executrix: Carol A. McClenaghan c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Groff, Charles J. a/k/a Charles

Jay Groff, dec'd.

Late of East Lampeter Township.

Executor: Gregory Groff c/o George H. Eager, Esquire, 1576 Lititz Pike, Lancaster, PA 17601.

Attorneys: Eager, Stengel, Quinn, Babic & Eager.

Keller, Loretta J., dec'd.

Late of Lancaster City.

Administrator: John D. Keller c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorneys: Young and Young.

Kingsboro, Donna M. a/k/a Donna Marie Kingsboro, dec'd.

Late of Elizabethtown Borough.

Executor: Scott A. Kingsboro c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esquire.

Lane, Patricia M., dec'd.

Late of West Donegal Township.

Executor: Mark D. Lane c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Martin, Kay F., dec'd.

Late of Lancaster Township.

Executor: Susan Young Nicholas c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorneys: Young and Young.

Martin, Luella H., dec'd.

Late of Ephrata Borough.

Executor: Dale N. Weaver c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esq.

Mazzella, Lucille H., dec'd.

Late of Warwick Township.
Executor: Robert G. Hershey c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorneys: Young and Young.

Millhouse, Bryant L., dec'd.

Late of Lancaster City.
Executrix: Brandi E. Henry and Jamie L. Fox c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Moyer, Jeffery L., dec'd.

Late of West Cocalico Township.
Executors: Kristi S. Stief and Sean L. Moyer c/o Lindsay M. Schoeneberger, RKG Law, 108 West Main Street, Ephrata, PA 17522.
Attorney: Lindsay M. Schoeneberger.

Rollman, Annika Grace a/k/a Annika G. Rollman, dec'd.

Late of Brecknock Township.
Administrators: Miriam R. Rollman and Michael Bradley Rollman c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.
Attorney: Nevin D. Beiler, Esq.

Rollman, Carson Michael a/k/a Carson M. Rollman, dec'd.

Late of Brecknock Township.
Administrators: Miriam R. Rollman and Michael Bradley Rollman c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.
Attorney: Nevin D. Beiler, Esq.

Rubincam, Romaine E., dec'd.

Late of Paradise Township.
Executor: Larry D. Rubincam c/o James Clark Associates, 277 Millwood Road, Lancaster, PA 17603.
Attorney: Attorneys: Neil R. Vestermark, Esquire, Aevitas Law, PLLC.

Schwab, Edith Mae a/k/a Edith M. Schwab, dec'd.

Late of West Donegal Township.
Executor: John H. Schwab c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Esquire.

Sell, Scott V., dec'd.

Late of Little Britain Township.
Executor: David R. Strittmatter c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.
Attorneys: Young and Young.

Sweigart, Jeffrey G. a/k/a Jeffrey Glenn Sweigart, dec'd.

Late of Manheim Township.
Executors: Chad Sweigart, Amanda L. Sweigart-Quinn, and Angie M. Stephenson c/o Appel Yost LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

TRUST NOTICE

Sweigart, Jeffrey G. a/k/a Jeffrey Glenn Sweigart, dec'd.

Late of Manheim Township.
Trustee: Angie M. Stephenson c/o Appel Yost LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Wagner, L. Gordon a/k/a Larry

Gordon Wagner, Sr., dec'd.

Late of Lancaster City.
 Executrix: Sharon O. Boston
 c/o Joseph D. Burke, Jr., Es-
 quire, Burke Vullo Reilly Rob-
 erts, 1460 Wyoming Avenue,
 Forty Fort, PA 18704-4237.
 Attorney: Joseph D. Burke, Jr.,
 Esquire.

Weaver, Mary Ellen, dec'd.

Late of Manor Township.
 Co-Executors: Jeffrey K. Weav-
 er and Jill W. Hampton c/o
 Blakinger Thomas, PC, 28 Penn
 Square, Lancaster, PA 17603.
 Attorneys: Blakinger Thomas,
 PC.

Weiss, Dale R., dec'd.

Late of Warwick Township.
 Executor: Randall L. Stoltz-
 fus c/o Glick, Goodley, Deibler
 & Fanning, LLP, 131 W. Main
 Street, New Holland, PA 17557.
 Attorney: Thomas A. Fanning,
 Esq., Glick, Goodley, Deibler &
 Fanning, LLP.

Wilde, Daniel, dec'd.

Late of Akron Borough.
 Executor: Steffanie D. Krella c/o
 Glick, Goodley, Deibler & Fan-
 ning, LLP, 131 W. Main Street,
 New Holland, PA 17557.
 Attorney: Patrick A. Deibler,
 Esq., Glick, Goodley, Deibler &
 Fanning, LLP.

ARTICLES OF DISSOLUTION

NOTICE IS HEREBY GIVEN
 THAT the Board of Directors of
Whisper of Hope Foundation,
 a Pennsylvania nonprofit corpo-
 ration, with a registered office
 address of 320 Marticville Road,
 Conestoga, PA 17516 and a mail-
 ing address of 90 Village Road,
 Etters, PA 17319, has approved

a proposal that the corporation
 voluntarily dissolve, and that the
 Board of Directors is now engaged
 in winding up and settling the af-
 fairs of the corporation under the
 provisions of Section 5975 of the
 Pennsylvania Nonprofit Corpora-
 tion Law.

GIBBEL KRAYBILL & HESS LLP
 Attorneys

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ARTICLES OF INCORPORATION

Notice is hereby given that Arti-
 cles of Incorporation for a Domes-
 tic Non-Profit Corporation have
 been filed with and approved by
 the Department of State of the
 Commonwealth of Pennsylvania
 for the purpose of obtaining a Cer-
 tificate of Incorporation under the
 provisions of the Nonprofit Corpo-
 ration Law of 1988. The name of
 the corporation is: **Donegal Girls
 Volleyball Booster Club.** It is or-
 ganized for the charitable and ed-
 ucational purpose to support the
 development and growth of the
 girls volleyball program.

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Mission Advocate has been in-
 corporated under the provisions of
 Article B of the Nonprofit Corpora-
 tion Law of 1988.

GIBBEL KRAYBILL & HESS LLP
 Attorneys

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CHANGE OF NAME NOTICES

A hearing will be held on
 November 13, 2025 at 1:30 p.m.,
 in Courtroom No.4, 3rd floor of the
 Lancaster County Courthouse,
 50 N. Duke St., Lancaster, PA,
 regarding the request of James

Louis Rutolo Lorah and Mariella Grace Volker to change their names from **James Louis Rutolo Lorah** to James Louis Lorah Rutolo and from **Mariella Grace Volker** to Mariella Grace Rutolo. Any person with objections may attend and show cause why the request should not be granted.

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NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of **Andrea Hozangeles** to Andriana Hazangeles. A hearing on the Petition will be held on October 14, 2025 at 10:30 AM in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition not be granted.

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A hearing will be held on October 14, 2025, at 4:00 p.m., in Courtroom No.4 floor of the Lancaster County Courthouse, 50 N. Duke St., Lancaster, PA, regard in request of Alison M. Armstrong to change the child's name from **Silas Andrew Rodriguez** to Silas Richard Armstrong. Any person with objections may attend and cause why the request should not be granted.

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FICTITIOUS NAME NOTICE

Notice is hereby given that Steve Palmer 287 Squire Lane, Lititz, PA 17543 and Val Conte 329 Chandlers Way, Lititz, PA 17543 are doing business as **Lititz Ex-**

press Rentals 201 Rock Lititz Blvd., Suite 54-a SHED, Lititz, PA 17543. The application was filed for the registration of a fictitious name under 54 Pa.C.S (relating to names).

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SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

September 3, 2025
to September 9, 2025

ANCIENT ORDER OF
CROAKING FROGS; JEBCO LLC;
06773; Troisi

BLOSSOM MEDSPA LLC,
LICATESE, ALYSSA; McKesson
Specialty Care Distribution LLC;
06689; Keifer

COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT
OF TRANSPORTATION; Courtney
Nicole Dering; 06775

COMMONWEALTH OF
PENNSYLVANIA; Tyler Scott
Mitchell; 06796; Mitchell

EAGLE CASTING, LLC;
Lancaster Foundry Supply
Company; 06835; Myers

FLOYD, ANGELA R.; Northwest
Bank; 06751; Huff

FRANKLIN AND MARSHALL
COLLEGE; Jeremy Pombo; 06724;
Elmi

KAFLEY, BIKASH; Velocity
Investments LLC; 06777;
Tsarouhis

LAMBERT, RAISA, FLORALS
LLC, AESTHETICEVENT &
FLORAL ZENBUSINESS INC; US
Bank National Association; 06760;

Penco

MARTIN, VIRGINIA; Legend
Senior Living LLC; 06671; McClure

ROSA, JOSE, SPACKMAN,
JORDAN, ROSA-SOTA, JOSE,
BROOKS, JORDAN, SOTO-
MORALES, WILMARIE; Southern
Insurance Company of Virginia;
06730; Bederman

RUOSS, GLENDA, RIEHL,
BRANDI; Axion Acquisition
Ventures LLC; 06691; Tsarouhis

SCHWEERS, DAVID C.; Capital
One Auto Finance; 06763; Dyer

SIRBAK, PAUL, SIRBAK, KAREN,
JOHN DOE; Judd Grumbrecht;
06735; Fine

STOKES, JOHN R.; Yabo Cai;
06717; Smith

VIERA, KENNY L., SANTIAGO,
MARYLEE; BELCO Community
Credit Union; 06674; Miller
