



**Chester
County
Bar
Association**

Chester County Law Reporter

(USPS 102-900)

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Chester County Law Reporter

(USPS 102-900)

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Telephone: 610/692-1889 Fax: 610/692-9546

Richard Meanix, Editor

Assistant Editors

Patrick M. McKenna, Esquire

Richard Meanix, Chairperson-Publications Committee

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Mayberry v. Petroci

Motion for post-trial relief – Ruling that do not affect verdict – Punitive damage standard

1. To prevail on assertions of errors of rulings on evidence, the rulings must be shown to have been not only erroneous, but also harmful; evidentiary rulings which did not affect the verdict will not provide a basis for disturbing the jury's judgment.
2. To sustain an award of punitive damages, the standard is exceedingly high, requiring evil motive or reckless indifference to the rights of others or a person's actions so outrageous as to demonstrate intentional, willful, wanton or reckless conduct. Where a tortfeasor's mental state rises to no more than gross negligence, punitive damages are not justified.
3. The Court Held that the plaintiff's motion for post-trial relief was denied.

R.E.M.

C.C.P. Chester County, Pennsylvania Civil Action No. 10-04666; Gigi Mayberry vs. John J. Petrocci, III, et al

Jamie W. Goncharoff for Plaintiff

Joseph P. Walsh for Defendants

Shenkin, J., November 1, 2011:-

GIGI MAYBERRY, : IN THE COURT OF COMMON PLEAS
Plaintiff : CHESTER COUNTY, PENNSYLVANIA

VS. : NO. 10-04666

JOHN J. PETROCI, III, et al., :
Defendants : CIVIL ACTION

Jamie W. Goncharoff, Esquire, Attorney for Plaintiff
Joseph P. Walsh, Esquire, Attorney for Defendants

ORDER

AND NOW, this 1st day of November, 2011, upon consideration of plaintiff's motion for post-trial relief, defendants' response thereto, and the briefs and arguments of counsel, it is hereby ORDERED that the motion is DENIED.¹ AND, FURTHER, defendants' motion to quash plaintiff's motion for post-trial relief is DENIED.

BY THE COURT:

/s/ Hon. Robert J. Shenkin

¹After a thorough review of the trial record, we are satisfied that this matter was fairly submitted to the jury which made a decision amply supported by the evidence before it. Most of the issues raised by plaintiff in her motion involve assertions of errors in our rulings on evidence. In order to prevail on those issues those "rulings must be shown to have been not only erroneous but also harmful to the [plaintiff]. Evidentiary rulings which did not affect the verdict will not provide a basis for disturbing the jury's judgment." *Blumer v. Ford Motor Co.*, 20 A.3d 1222 (Pa.Super. 2011) citing *Schmidt v. Boardman*, 958 A.2d 498 (Pa.Super. 2008), *aff'd* 11 A.3d 924 (Pa. 2011). We see no way in which the evidentiary rulings complained of could have affected the award of compensatory damages. To the extent that the challenged rulings pertain to the issue of punitive damages, in our view, even if all of the evidence which was proffered by plaintiff had been admitted, that evidence would, as a matter of law, fall short of the evidence needed to sustain an award of punitive damages for which the standard is exceedingly high, requiring evil motive or reckless indifference to the rights of others. See *SHV Coal v. Continental Grain Co.*, 526 Pa. 489, 587 A.2d 702 (1991) (Assessment of punitive damages are proper when a person's actions are of such an outrageous nature as to demonstrate intentional, willful, wanton or reckless conduct.). "Thus, for example, where a tortfeasor's mental state rises to no more than gross negligence, punitive damages are not justified." *Vance v. 46 and 2, Inc.*, 920 A.2d 202, 207 (Pa.Super. 2007) citing *SHV Coal*, *supra*. Neither these issues nor any of the other issues raised in plaintiff's post-trial motion are sufficient to overturn the verdict of the jury.

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**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-11525**

NOTICE IS HEREBY GIVEN that the name change petition of Keren Borshansky was filed in the above-named court and will be heard on January 9, 2012, at 9:30 AM, in Courtroom 11 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: October 20, 2011

Name to be changed from: Keren Borshansky to: Karina Borshansky

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-10016**

NOTICE IS HEREBY GIVEN that the name change petition of Jessica-Briseida Barrera on behalf of her minor child, Lency-Milagro Mendoza Barrera was filed in the above-named court and will be heard on January 23, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: September 14, 2011

Name to be changed from: Lency-Milagro Mendoza Barrera to: Lindsay-Milagro Resendiz Barrera

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

CHRISTOPHER M. CASAZZA, Attorney for Petitioner

150 Strafford Avenue
Suite 115
Wayne, PA 19083

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-13474**

NOTICE IS HEREBY GIVEN that the name change petition of Estela A. Trajtenberg was filed in the above-named court and will be heard on March 9, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 9, 2011

Name to be changed from: Estela Adriana Trajtenberg to: Adriana Trajtenberg

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

ERIC TRAJTENBERG, Attorney for Petitioner
32 S. Church Street
West Chester, PA 19382

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 11-13473**

NOTICE IS HEREBY GIVEN that the name change petition of Jorge Abraham Trajtenberg was filed in the above-named court and will be heard on March 12, 2012, at 9:30 AM, in Courtroom 10 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: December 9, 2011

Name to be changed from: Jorge Abraham Trajtenberg to: George Trajtenberg

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

ERIC TRAJTENBERG, Attorney for Petitioner
32 S. Church Street
West Chester, PA 19382

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania for Wright Restoration Services, Inc., in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

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ALBERICI, Donna Jean, late of Exton. Kathryn Ann Petersen, care of D. SELAINE KEATON, Esquire, 21 W. Front Street, P.O. Box 1970, Media, PA 19063, Executrix. D. SELAINE KEATON, Esquire, Halligan & Keaton, 21 W. Front Street, P.O. Box 1970, Media, PA 19063, atty.

BURHANS, Harry T., late of Charlestown Township. John Martin, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executors. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, Ltd., 460 E. King Road, Malvern, PA 19355-3049, atty.

EITNIER, Shirley M., late of Honey Brook Township. Diane L. Stoltzfus, 5340 Hammond Road, New Holland, PA 17557, Executrix. THOMAS A. FANNING, Esquire, Kling & Fanning, LLP, 131 West Main Street, New Holland, PA 17557, atty.

FAIRWEATHER, Ralph T., Jr., late of Caln Township. Kathryn M. Fairweather, care of ROBERT S. SUPPLEE, Esquire, 329 South High Street, West Chester, PA 19382-3336, Executrix. ROBERT S. SUPPLEE, Esquire, Robert S. Supplee P.C., 329 South High Street, West Chester, PA 19382-3336, atty.

FRIDAY, Kenneth Allan, a/k/a Keith Friday, late of Parkesburg. Carrie N. Eastwick, 31 Morgan Spring Drive, Morgantown, PA 19543, Administratrix. PATRICIA T. BRENNAN, Esquire, 31 Turner Lane, West Chester, PA 19380, atty.

HAHN, Ronald L., a/k/a Ronald Lamp Hahn, late of Tredyffrin Township. Stephen M. Hahn and Leslie H. Kubera, care of JOHN G. SHEA, Esquire, PO Box 128, Bryn Mawr, PA 19010, Executors. JOHN G. SHEA, Esquire, Shea and Shea, LLP, PO Box 128, Bryn Mawr, PA 19010, atty.

IZZO, Rose B., late of West Chester/ East Goshen Township. Edward A. Izzo, 5 Nottingham Drive, Nashua, NJ 03062, Executor.

MILLER, Robert D., late of Borough of West Grove. Steven G. Miller, care of J. ADAM MATLAWSKI, Esquire, 1223 N. Providence Road, Media, PA 19063, Executor. J. ADAM MATLAWSKI, Esquire, McNichol, Byrne, Matlawski & Maddren, P.C., 1223 N. Providence Road, Media, PA 19063, atty.

MONTGOMERY, Kathleen, late of Honey Brook Township. Raymond H. Montgomery and Sentrilla F. Montgomery, care of THOMAS J. BURKE, JR., Esquire, 15 Rittenhouse Place, Ardmore, PA 19003, Executors. THOMAS J. BURKE, JR., Esquire, Haws & Burke, 15 Rittenhouse Place, Ardmore, PA 19003, atty.

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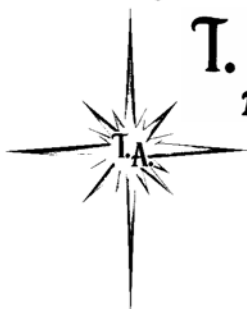
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THOMAS, Richard C., late of Borough of Honey Brook. Robert Thomas, 1900 JFK Boulevard, Apt. 1221, Philadelphia, PA 19103-1428 and Mark N. Dilts, Esquire, 540 Pennsylvania Avenue, Suite 318, Fort Washington, PA 19034, Executors. GARY W. CALVIN, Esquire, Dilts, Macary & Calvin, 540 Pennsylvania Avenue, Suite 318, Fort Washington, PA 19034, atty.

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ZYDINSKY, Agnes E., late of City of Coatesville. Christine E. Frame, 753 Madison Street, Coatesville, PA 19320, Executrix. ALAN J. JARVIS, Esquire, Highlands Corporate Center, 495 Highlands Boulevard, Suite 109, Coatesville, PA 19320, atty.

3rd Publication

BENKE, Carl H., Jr., late of Kennett Square. Carl H. Benke, III, care of GEORGE S. DONZE, Esquire, 696 Unionville Road, Suite 6, Kennett Square, PA 19348, Administrator. GEORGE S. DONZE, Esquire, Donze & Donze, 696 Unionville Road, Suite 6, Kennett Square, PA 19348, atty.

BOYLE, Victoria G., late of East Goshen Township. Francis J. Boyle, care of JOHN A. WETZEL, Esquire, 101 East Evans Street, Suite A, West Chester, PA 19380, Executor. JOHN A. WETZEL, Esquire, Swartz Campbell LLC, 101 East Evans Street, Suite A, West Chester, PA 19380, atty.

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CUNNINGHAM, Charles Edward, Sr., late of Exton. Caren C. Ryan, care of KEVIN J. RYAN, Esquire, 220 W. Gay Street, West Chester, PA 19380-2917, Executrix. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms LLC, 220 W. Gay Street, West Chester, PA 19380-2917, atty.

DANNEBERGER, Edwin H., late of Goshen Township. Heidi Beth Danneberger, care of KEVIN HOLLERAN, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, Executor. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

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GRASSBERG, Eugene, late of Pennsbury Township. Mary McLaughlin-Koprowski, care of JEAN WHITE E. JONES, Esquire, 130 West Lancaster Avenue, Wayne, PA 19087, Executrix. JEAN WHITE E. JONES, Esquire, Butera & Jones, 130 West Lancaster Avenue, Wayne, PA 19087, atty.

JONES, Marie T., late of Uwchlan Township. Edward J. Fagan and Maureen A. Worrell, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executors. JAY G. FISCHER, Esquire, Valocchi & Fischer, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

KING, BARBARA M., late of Pennsbury Township. L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KRAUSE, Kay M., a/k/a Kay Marie Krause, late of West Goshen Township. Kevin M. Krause, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

RASCH, Sunna Cooper, late of East Bradford Township. Nancy Rasch Salamon, 349 W. Barnard Street, West Chester, PA 19382, Executrix. NIKOLAOS I. TSOUROS, Esquire, MacElree Harvey, Ltd., 17 W. Miner Street, P.O. Box 660, West Chester, PA 19381-0660, atty.

ROSS, Milton W., late of West Brandywine Township. Michael C. Ross, care of RICHARD M. LUTZ, Esquire, 300 W. State Street, Suite 302, Media, PA 19063, Executor. RICHARD M. LUTZ, Esquire, 300 W. State Street, Suite 302, Media, PA 19063, atty.

WILLIAMS, Betty Jane, late of Phoenixville. Ruth Ann Dabback, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executrix. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

YOUNG, Morey T., late of East Fallowfield. Blanche E. Young, care of NICHOLAS WACHINSKI, Esquire, 327 West Front Street, Media, PA 19063, Executrix. NICHOLAS WACHINSKI, Esquire, 327 West Front Street, Media, PA 19063, atty.

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NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

At Cost Fulfillment, with its principal place of business at 39 West Gay Street, West Chester, PA 19382.

The application has been (or will be) filed on: December 1, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Vanguard Economics, LLC
ERIC TRAJTENBERG, Solicitor
32 S. Church Street
West Chester, PA 19382

Now Smell This, with its principal place of business at 411 Irwin Street, Kennett Square, PA 19348.

The application has been (or will be) filed on: December 5, 2011.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Robin Krug, 411 Irwin Street, Kennett Square, PA 19348.
STEPHEN J. KELLY, Solicitor
411 Irwin Street
Kennett Square, PA 19348

BRINEFLY INNOVATIONS, with its principal place of business at 1574 Evans Rd., Pottstown, PA 19465.

The application has been (or will be) filed on: November 29, 2011, pursuant to the Fictitious Names Act, Act 1982-295.

The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: James F. Matson, 1574 Evans Road, Pottstown, PA 19465.

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed with Dept of State of the Commonwealth of PA at Harrisburg, PA, on 12/5/2011, for Peaceful Paws Giant Dog Placement Services, IAW the provisions of the PA Corporation Act of 1988. An application for registration of a fictitious name was filed under 54 Pa.C.S for the same. The proposed registered office in the Commonwealth is 53 Kenalcon Dr, Phoenixville, PA 19460, with Sheila Marshall acting as Director. The purpose of the corporation is for the rescue, rehabilitation and placement of giant breed dogs.

**CORPORATION NOTICE
LIMITED LIABILITY COMPANY**

NOTICE IS HEREBY GIVEN that on November 4, 2011, a Certificate of Organization was filed in the Pennsylvania Department of State for PENN CAMPUS HAIR SKIN & NAIL SALON, LLC, in accordance with the provisions of the Limited Liability Act of 1994.
JAMES E. DELBELLO, Solicitor
Unit 1, 201 Queen Street
P.O. Box 63812
Philadelphia, PA 19147

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Chester County PA Senior Judges Thomas G. Gavin and Ronald C. Nagle are seeking a full time law clerk with a minimum of 3 to 5 years experience as a judicial law clerk and/or private practice. Duties include legal research, drafting orders and opinions, assisting with pre-trial and settlement conferences, keeping the judges apprised of pre-trial and post-trial motions, and acting as the liaison between the judges, attorneys and litigants. A background in criminal and general civil matters is helpful, but not mandatory. Position is available Jan. 2012. Please send a resume, writing sample, and three references to: Maureen Doran, Secretary, Chester County Justice Center, 7th Fl. 201 W. Market Street, P.O. Box 2746, West Chester, PA, 19380-0989. EEO.

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