

**CHARLES P. DANIELS AND IMRAN DALVI v. ATLANTIC COMMUNITY BANKERS BANK AND JON EVANS, CUMBERLAND CO., COMMON PLEAS, No. 2014-02240 CIVIL TERM.**

Civil Action—Opinion Pursuant to Pa. R.A.P. 1925—Wrongful Termination—Jury Trial—New Jersey Conscientious Employee Protection Act (NJCEPA)—Change in Operating Agreement That Was Used to Obtain Letter of Non-Objection—Termination Not Based on Retaliation for Protected Conduct.

1. In order to establish a claim under the New Jersey Conscientious Employee Protection Act, Plaintiffs must prove (a) they had a reasonable belief that Defendants' conduct violated a law, rule or regulation; (b) they threatened to disclose the conduct to a supervisory or public body; (c) an adverse employment action was taken against them; and (d) a causal connection existed between their threats to disclose the conduct and the adverse employment action.

2. Where Defendants presented evidence that Plaintiffs' threats to tell regulators had been ongoing for years without any adverse employment action and where Defendant Evans attempted to work with Plaintiffs in an effort to make up for the discrepancies between their payout expectations and the new formula in the Operating Agreement and where it was not until Plaintiffs attempted to run the Board of Directors that Defendants called an expedited board meeting where Plaintiffs were terminated, it was not unreasonable for a jury to have accepted Defendants' articulated reason for termination.

3. The Court's refusal to instruct the jury on the fraudulent conduct section of the NJCEPA was proper in that Plaintiffs failed to present any evidence upon which a reasonable belief of fraudulent conduct could be placed.

A. PATRICIA DIULUS-MYERS, ESQUIRE and MATTHEW L. MILLER, ESQUIRE, for the Plaintiffs.

MICHAEL J. CROCENZI, ESQUIRE and ROBERT B. BODZIN, ESQUIRE, for the Defendants.

IN RE: OPINION PURSUANT TO Pa. R.A.P. 1925

Before GUIDO, P.J.

GUIDO, P.J., November 20, 2018:—

This appeal arose from a wrongful termination suit under the New Jersey Conscientious Employee Protection Act ("NJCEPA"). After numerous days of trial, the jury specifically found that the discharge of Plaintiffs was not done in retaliation for their protected conduct.

In their Concise Statement of Errors, Plaintiffs alleged that the Court erred by 1) dismissing their claim under the fraudulent conduct section of the NJCEPA; 2) refusing to instruct the jury as to the fraudulent conduct claim; 3) permitting James Nowe to testify as to what banking regulators would consider in regard to an operating agreement; and 4) dismissing the unjust enrichment claim at summary judgment. We will discuss these issues in the opinion that follows.

**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****Chronister, Hulda M.,** dec'd.

Late of Cumberland County.  
 Executrix: Vickie L. Chronister  
 c/o Adam R. Deluca, Esquire, Allied Attorneys of Central Pennsylvania, LLC, 61 West Louther St., Carlisle, PA 17013.  
 Attorneys: Adam R. Deluca, Esquire, Allied Attorneys of Central Pennsylvania, LLC, 61 West Louther St., Carlisle, PA 17013.

**Garman, Elizabeth a/k/a Elizabeth B. Garman a/k/a Betsy Garman,** dec'd.

Late of the Borough of Carlisle.  
 Executrix: Celice A. Horn c/o Martson Law Offices, 10 East High Street, Carlisle, PA 17013.  
 Attorneys: Ivo V. Otto, III, Esquire, Martson Law Offices.

**Goodhart, Elva Jane,** dec'd.

Late of the Borough of Shippensburg.  
 Executor: Orrstown Bank, 77 East King Street, Shippensburg, PA 17257.  
 Attorneys: Joel R. Zullinger, Esquire, Zullinger-Davis-Trinh, PC, 20 E. Burd Street, Suite 6, Shippensburg, PA 17257.

**Hand, Ann V.,** dec'd.

Late of Camp Hill Borough.  
 Administrator: Carl Romanoski, 1287 Country Ln., West Chester, PA 19380.  
 Attorney: Kristen Snyder, Esquire, 1215 Manor Dr., Ste. 202, Mechanicsburg, PA 17055.

**Harman, Helen Virginia,** dec'd.

Late of Middlesex Township.  
 Executrix: Sheila M. Harman, P.O. Box 90, Kalaheo, HI 96741.  
 Attorney: None.

**Hauptman, Lynn,** dec'd.

Late of South Middleton Township.  
 Executrix: Carol F. Hauptman, 35 Eastgate Drive, #308, Carlisle, PA 17015.  
 Attorney: None.

**Hockenberry, Glenn E.,** dec'd.

Late of Carlisle Borough.  
 Executor: Dwight T. Hockenberry c/o Sean M. Shultz, Esquire, Saidis, Shultz & Fisher, 100 Sterling Parkway, Suite 305, Mechanicsburg, PA 17050.  
 Attorneys: Sean M. Shultz, Esquire, Saidis, Shultz & Fisher, 100 Sterling Parkway, Suite 305, Mechanicsburg, PA 17050, (717) 590-8529.

**Jones, Helen F.,** dec'd.

Late of Silver Spring Township.  
 Executrix: Rita J. Byrnes.  
 Attorneys: Murrel R. Walters, III, Esquire, Walters & Galloway, PLLC, 54 East Main Street, Mechanicsburg, PA 17055.

**Jumper, Wilmot Delano a/k/a Wilmont D. Jumper, Sr.,** dec'd.

Late of Carlisle Borough.  
 Executrices: Jerri Lynn Fisher and Julie Ann Lawyer c/o George F. Douglas, III, Esquire, Salzman Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.  
 Attorneys: Salzman Hughes, P.C.

**Kennedy, Blanche R. a/k/a Blanche Romaine Kennedy,** dec'd.

Late of Upper Allen Township.  
 Executor: Eugene L. Kennedy,  
 521 E. Lisburn Rd., Mechanics-  
 burg, PA 17055.  
 Attorney: None.

**McCahan, Joseph P., Jr.,** dec'd.

Late of Cumberland County.  
 Executrix: Michele R. Baldwin.  
 Attorneys: David A. Baric, Es-  
 quire, Baric Scherer LLC, 19 West  
 South Street, Carlisle, PA 17013,  
 (717) 249-6873.

**Rhen, Dennis P.,** dec'd.

Late of East Pennsboro Township.  
 Executrix: Linda O. Rhen.  
 Attorneys: Susan H. Confair, Es-  
 quire, Reager & Adler, PC, 2331  
 Market Street, Camp Hill, PA  
 17011, (717) 763-1383.

**Shenk, Earl E.,** dec'd.

Late of Cumberland County.  
 Executrix: Nancy L. Shenk.  
 Attorney: Dominic Montagnese,  
 Esquire, 624 North Front Street,  
 Wormleysburg, PA 17043.

**Sklenar, John,** dec'd.

Late of Mechanicsburg.  
 Executor: Ryan McGee c/o Gail L.  
 Hills, Esquire, P.O. Box 628, Car-  
 lisle, PA 17013.  
 Attorneys: Gail L. Hills, Esquire,  
 Law Office of Gail L. Hills, P.O.  
 Box 628, Carlisle, PA 17013.

**Speed, Kenneth R.,** dec'd.

Late of South Middleton Township.  
 Executrix: Lois Ann Thumma c/o  
 Stephen D. Tiley, Esquire, 5 South  
 Hanover Street, Carlisle, PA 17013.  
 Attorneys: Frey and Tiley.

**Werley, Kenneth W. a/k/a Kenneth William Werley,** dec'd.

Late of Camp Hill.

Executor: Kenneth W. Werley, II.  
 Attorneys: Melanie Walz Scaringi,  
 Esquire, Scaringi Law, 2000 Ling-  
 lestown Road, Suite 106, Harris-  
 burg, PA 17110.

**Werley, Marie M.,** dec'd.

Late of Camp Hill.  
 Executor: Kenneth W. Werley, II.  
 Attorneys: Melanie Walz Scaringi,  
 Esquire, Scaringi Law, 2000 Ling-  
 lestown Road, Suite 106, Harris-  
 burg, PA 17110.

**Woerner, Ella J. a/k/a Ella Joann Woerner,** dec'd.

Late of South Middleton Township.  
 Executrix: Charlotte A. Horan c/o  
 R. Thomas Murphy & Associates,  
 P.C., 237 East Queen Street,  
 Chambersburg, PA 17201.  
 Attorneys: R. Thomas Murphy,  
 Esquire, R. Thomas Murphy & As-  
 sociates, P.C., 237 East Queen  
 Street, Chambersburg, PA 17201.

**SECOND PUBLICATION****Ellenberger, Elizabeth L.,** dec'd.

Late of Lower Allen Township.  
 Co-Executors: Elizabeth K. Stoner  
 and Arthur H. Stoner c/o Craig  
 A. Hatch, Esquire, Halbruner,  
 Hatch & Guise, LLP, 2109 Market  
 Street, Camp Hill, PA 17011.  
 Attorneys: Craig A. Hatch, Es-  
 quire, Halbruner, Hatch & Guise,  
 LLP, 2109 Market Street, Camp  
 Hill, PA 17011.

**Foster, Charlotte Louise,** dec'd.

Late of Monroe Township.  
 Executrix: Denise R. Foster, 326  
 Elmhurst Drive, Chester Springs,  
 PA 19425.  
 Attorneys: Peter J. Russo, Es-  
 quire, Law Offices of Peter J.  
 Russo, P.C., 245 Grandview Ave.,  
 Suite 102, Camp Hill, PA 17011.

**Garner, Jean L.,** dec'd.

Late of Monroe Township.

Executrices: Bonnie Chestnut and Judy Austin c/o Robert G. Frey, Esquire, 5 South Hanover Street, Carlisle, PA 17013.  
Attorneys: Frey and Tiley.

**Geary, Anna M.,** dec'd.

Late of North Middleton Township.  
Executor: James D. Bogar, Esquire, One West Main Street, Shiremanstown, PA 17011.  
Attorney: James D. Bogar, Esquire, One West Main Street, Shiremanstown, PA 17011.

**Higgins, Marlene M.,** dec'd.

Late of Hampden Township.  
Executor: Robert M. Mackay, 2934 Kings Mill Road, Bethel Park, PA 15102.  
Attorney: R. Mark Thomas, Esquire, Attorney at Law, 101 South Market Street, Mechanicsburg, PA 17055.

**Kitzmilller, Gary Alan,** dec'd.

Late of Silver Spring Township.  
Executrix: Diane Bias, 415 Nyes Road, Hummelstown, PA 17036.  
Attorneys: Robert M. Walker, Esquire, Law Offices of Robert M. Walker, LLC, 23 Central Boulevard, Camp Hill, PA 17011.

**Kitzmilller, Marie J.,** dec'd.

Late of Silver Spring Township.  
Administratrix c.t.a.: Diane Bias, 415 Nyes Road, Hummelstown, PA 17036.  
Attorneys: Robert M. Walker, Esquire, Law Offices of Robert M. Walker, LLC, 23 Central Boulevard, Camp Hill, PA 17011.

**Miller, Robert P.,** dec'd.

Late of Hampden Township.  
Executrices: Jennifer A. Kellington, 320 Stonehenge Drive, Orchard Park, NY 14172 and Suzanne M. Ott, 248 Kings Grant Road, Marlborough, MA 01752.  
Attorney: None.

**Olson, Carl B.,** dec'd.

Late of South Middleton Township.  
Executrix: Carol A. Olson c/o Theodore L. Brubaker, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

**Townsend, Harriet H. a/k/a Harriet A. Townsend,** dec'd.

Late of Upper Allen Township.  
Executrix: Sandra A. McCarver, 524 Bridgeview Dr., Lemoyne, PA 17043.  
Attorney: None.

**Wenger, Louise H.,** dec'd.

Late of Carlisle Borough.  
Executor: Bradford H. Wenger c/o James D. Hughes, Esquire, Salzmansmann Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.  
Attorneys: Salzmansmann Hughes, P.C.

**THIRD PUBLICATION**

**Cooney, Dennis Patrick,** dec'd.

Late of the Township of Silver Spring.  
Executrix: Jane Jackson Cooney, 32 Cumberland Drive, Mechanicsburg, PA 17050.  
Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

**Covey, Joan M.,** dec'd.

Late of South Newton Township.  
Executrix: Shirley Ryberg c/o Forest N. Myers, Esquire, 137 Park Place West, Shippensburg, PA 17257.  
Attorney: Forest N. Myers, Esquire, 137 Park Place West, Shippensburg, PA 17257.

**Deihl, Randolph M.,** dec'd.

Late of Cumberland County.  
Administrators: Patrick R. Deihl and Sarah E. Spagnuolo.

Attorneys: Michael A. Scherer, Esquire, Baric Scherer LLC, 19 West South Street, Carlisle, PA 17013, (717) 249-6873.

**Freeman, Peter Scott, dec'd.**

Late of New Cumberland.  
 Executor: Eric E. Freeman, 415 Mohican Drive, Frederick, MD 21701.  
 Attorney: None.

**Hakel, Michael August a/k/a Michael A. Hakel, dec'd.**

Late of Upper Allen Township.  
 Executor: Christopher M. Hakel c/o Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.  
 Attorneys: Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

**Hileman, James L., dec'd.**

Late of Upper Allen Township.  
 Executrix: Petra Brinkmann, 6331 Brandy Lane, Lot 35, Mechanicsburg, PA 17050.  
 Attorney: R. Mark Thomas, Esquire, Attorney at Law, 101 South Market Street, Mechanicsburg, PA 17055.

**Johnson, Lillie Ruth, dec'd.**

Late of Upper Mifflin Township.  
 Executor: Emory G. Johnson, Jr. c/o Thomas P. Gleason, Esquire, 825 West King Street, Suite E, Shippensburg, PA 17257.  
 Attorney: Thomas P. Gleason, Esquire, 825 West King Street, Suite E, Shippensburg, PA 17257, (717) 532-3270.

**Mentzer, Russell E., Sr., dec'd.**

Late of South Middleton Township.  
 Administrator: Rickey J. Mentzer c/o Martson Law Offices, 10 East High Street, Carlisle, PA 17013.

Attorneys: Christopher E. Rice, Esquire, Martson Law Offices.

**Mitchell, Robert D., dec'd.**

Late of North Middleton Township.  
 Executor: Charles L. Bretz c/o Robert C. Saidis, Esquire, Saidis, Shultz & Fisher, 100 Sterling Parkway, Suite 305, Mechanicsburg, PA 17050.  
 Attorneys: Robert C. Saidis, Esquire, Saidis, Shultz & Fisher, 100 Sterling Parkway, Suite 305, Mechanicsburg, PA 17050, (717) 590-8529.

**Mixell, Brenda Kaye, dec'd.**

Late of Southampton Township.  
 Co-Administratrices: Bonnie K. Wilson and Beth M. Thomas c/o Richard L. Webber, Jr., Esquire, Weigle & Associates, P.C., 126 East King Street, Shippensburg, PA 17257.  
 Attorneys: Richard L. Webber, Jr., Esquire, Weigle & Associates, P.C., 126 East King Street, Shippensburg, PA 17257.

**Nicholson, Gary L., dec'd.**

Late of Cumberland County.  
 Executor: Ethan Y. Nicholson c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.  
 Attorneys: Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110.

**Railing, Glenn E., dec'd.**

Late of the Borough of Carlisle.  
 Executor: Michael L. Railing c/o Robert G. Frey, Esquire, 5 South Hanover Street, Carlisle, PA 17013.  
 Attorneys: Frey and Tiley.

**Sarver, Jean M., dec'd.**

Late of Silver Spring Township.  
 Executor: Mr. Douglas R. Sarver, 579 Perry Valley Road, Millers-town, PA 17062.

Attorney: William R. Bunt, Esquire, 109 South Carlisle Street, P.O. Box 336, New Bloomfield, PA 17068.

**Shaffer, Kenneth R.,** dec'd.

Late of Carlisle.  
Executrices: Lydia J. Klick, 302 Pennsylvania Avenue, Camp Hill, PA 17011 and Mary R. Fake, 119 Oak Drive, Camp Hill, PA 17011.  
Attorney: None.

**Yolch, Sheila D.,** dec'd.

Late of Hampden Township.  
Executor: Andrew A. Yolch, Jr.  
Attorneys: David R. Galloway, Esquire, Walters & Galloway, PLLC, 54 East Main Street, Mechanicsburg, PA 17055.

**NOTICE**

In the Court of Common Pleas of Cumberland County, Pennsylvania

Docket No.: 2018-12652

NOTICE IS HEREBY GIVEN that on January 22, 2019, the Petition of Eva Dimitrios Koutsokostas was filed in the above named court requesting a decree to change her name from Eva Dimitrios Koutsokostas to Eva Katsoudas Koutsokostas. The Court has fixed Friday, April 12, 2019, at 9:30 a.m. in Courtroom No. 2, at the Cumberland County Courthouse, 1 Courthouse Square, Carlisle, 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.

Feb. 15

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name:

BROOKWOOD DENTAL CARE

for the conduct of business in Cumberland County, Pennsylvania, with the principal place of business being: 8 Brookwood Avenue, Suite B, Carlisle, PA 17015 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on January 14, 2019 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in the said business are: Capital Dental Care of Carlisle, LLC, 8 Brookwood Avenue, Suite B, Carlisle, Cumberland, Pennsylvania 17015.

Feb. 15

**NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Cumberland County, Pennsylvania under the assumed or fictitious name, style or designation of Name:

NovaCare Prosthetics & Orthotics with its principal place of business at: 4714 Gettysburg Rd., Mechanicsburg, PA 17055. The name and address of the entity owning or interested in said business are: Benchmark Orthotics & Prosthetics, Inc., 4714 Gettysburg Rd., Mechanicsburg, PA 17055. The application has been filed on January 18, 2019.

Feb. 15

**CORPORATE NOTICE**

NOTICE IS HEREBY GIVEN that Articles of Incorporation—Nonprofit were filed on January 11, 2019, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on behalf of:

CALVARY TEMPLE  
PENTECOSTAL CHURCH  
a domestic nonprofit corporation.  
The said business corporation was  
organized under the PA Business  
Corporation Law, 15 Pa. C.S. §5306.

MARK W. ALLSHOUSE,  
ESQUIRE  
CHRISTIAN LAWYER  
SOLUTIONS, LLC  
4833 Spring Road  
Shermans Dale, PA 17090

Feb. 15