
Court of Common Pleas of Lancaster
Civil Action - Med Mal

Diehl v. Lancaster HMA, LLC et al.

Civil Procedure – Case Management – Supplemental Expert Report
Rule 4003.5(b) was inapplicable to prevent introduction of supplemental expert report in opposition to motion for summary judgment after discovery deadline had passed because plaintiff’s expert was previously disclosed.

OPINION BY: BROWN, J. - MARCH 1, 2023. Jessica Diehl and Roy Diehl v. Lancaster HMA, LLC individually and d/b/a Heart of Lancaster Regional Medical Center, a fictitious name; Jay McCardell, IV, D.O.; Ivan Shorter, D.O.; Community Anesthesia Associates, LTD.; Casey Prather, D.O.; and Lancaster HMA Physician Management, LLC, individually and d/b/a LRMC Anesthesia Consultants, a fictitious name and Alan H. Brader, M.D. No. CI-16-04683.

OPINION

This case is before the court on Plaintiffs’ motion to reconsider the court’s ruling on Defendants Lancaster HMA, LLC’s, individually and d/b/a Heart of Lancaster Regional Medical Center Lancaster, and Casey Prather, D.O.’s (“Moving Defendants”) motion for summary judgment. The only issues for the court to consider are whether the court may consider the supplemental expert report of Dr. Robert Pearl and, if so, whether summary judgment is appropriate as to plaintiffs’ corporate negligence claim (Count III). For the reasons below, the court considers Dr. Pearl’s supplemental report in disposing of moving defendants’ motion for summary judgment and determines summary judgment is inappropriate as a matter of law.

I. RELEVANT BACKGROUND¹

Plaintiffs Jessica Diehl and Roy Diehl began this medical malpractice action in 2016 by filing a writ of summons. The case centers on allegations of inappropriate anesthesia care during and after a surgery Mrs. Diehl underwent in 2014. Count III, a claim for corporate negligence, alleges Lancaster HMA, LLC management “knew of, or they should have known of, the problems—which were caused by systemic failures—associated with the anaesthesia care provided to Mrs. Diehl.” Compl. ¶ 83. As alleged, the hospital breached its duty of care by

- i. failing to select or retain appropriately trained staff; and/or,
- ii. failing to train or oversee the staff that was selected and retained; and/or,
- iii. allowing and encouraging untrained and unskilled staff to care for Mrs. Diehl; and/or,
- iv. failing to maintain and/or equip the operating room

¹ Because this case began in 2016, its procedural history is significant. The court only includes facts and procedural history relevant to the motion before it.

- with appropriate equipment to monitor and protect patients like Mrs. Diehl from hypovolemia, hypotension, hypoxia and/or respiratory distress; and/or,
- v. failing to timely recognize, investigate, and/or remedy the problems that occurred in connection with Mrs. Diehl's care; and/or,
 - vi. failing to formulate, adopt, and enforce adequate policies and written procedures to ensure delivery of quality medical care to Mrs. Diehl; and/or,
 - vii. failing to take reasonable precautions to prevent Mrs. Diehl's damages.

Compl. ¶ 86.

In anticipation of a pretrial conference, plaintiffs filed a memorandum that identified Dr. Pearl and included his March 13, 2022 expert report. Dr. Pearl's report addressed standard of care and causation issues related to the care provided to Mrs. Diehl by her anesthesia care team, but it did not mention corporate negligence. See Defs.' Mot. Summ. J. Ex. B. Following a pretrial conference on April 11, 2022, this court issued a case management order setting a deadline for defendants to provide expert reports about causation and standard of care by June 10, 2022,² and an overall discovery deadline of July 11, 2022.

Moving defendants filed a motion for summary judgment on November 8, 2022, asserting plaintiffs did not produce any facts to support the corporate negligence allegations made in Paragraph 86 of their complaint because Dr. Pearl's expert report contained no corporate negligence opinions. Defs.' Mot. Summ. J. ¶ 33. After the court granted plaintiffs an extension to respond, plaintiffs filed a response in opposition on December 21, 2022 that included a supplemental expert report by Dr. Pearl dated December 7, 2022. Plaintiffs concurrently filed a supplemental pretrial statement that included Dr. Pearl's supplemental report. Dr. Pearl's supplemental report addresses issues of corporate negligence.

After full briefing, this court declined to consider Dr. Pearl's supplemental report because it was improperly attached and in violation of the April 11, 2022 case management order; the court granted moving defendants' motion for summary judgment as to plaintiffs' claim for corporate negligence. Plaintiffs filed a timely motion for reconsideration, which this court granted.

II. DISCUSSION

A. The court must consider plaintiffs' supplemental report.

Having reconsidered its decision to disregard plaintiffs' supplemental expert report, the court now holds consideration of the supplemental report is appropriate.³

² Plaintiffs assert their supplemental expert report is timely because this court's case management order did not set a similar deadline for plaintiffs. In fact, the court did not consider one necessary because plaintiffs attached Dr. Pearl's expert report to their pretrial conference memorandum and did not request additional time during the pretrial conference to further address issues of causation or standard of care.

³ The court first notes *Scopel v. Donegal Mutual Insurance Company* relies on facts distinguishable from those present in this case. 698 A.2d 602, 606 (Pa. Super. 1997). Therefore, plaintiffs properly attached Dr. Pearl's supplemental report to their response in opposition to summary judgment, and the report may be considered if it does not violate relevant law. See *Monroe v. CBH20, LP*, 286 A.3d 785, 803 (Pa. Super. 2022).

Moving defendants argue Dr. Pearl's supplemental report violates Pennsylvania Rule of Civil Procedure 1035.2 because it was filed after the close of discovery and the parties' exchange of expert reports, and Rule 4003.5 because its admission causes unfair surprise and hardship that prejudices them. Moving defendants argue this court can deny consideration of Dr. Pearl's supplemental expert report based on Rule 4003.5(b) even if it must otherwise consider it under Rule 1035.2.

Plaintiffs point to the Pennsylvania Supreme Court's plurality opinion in *Gerrow v. John Royle & Sons*⁴ as supporting their ability to include a supplemental expert report in a timely response in opposition to summary judgment after discovery deadlines have passed. In *Gerrow*, the parties all continued discovery past a court-imposed discovery deadline after the trial judge denied a discovery extension. One defendant filed a motion for summary judgment, and the plaintiff responded in opposition by attaching an expert report sufficient to establish a *prima facie* case against the movant. *Gerrow* held that Rule 1035.3(b), when read along with Rule 1035.2 and the Note & Explanatory Comment, allowed plaintiffs to supplement the record with an expert report after a court-imposed deadline for such reports had passed. 813 A.2d at 781. The opinion reasoned that allowing such supplemental reports was consistent with the Rules of Civil Procedure because it allowed potentially meritorious claims to go forward.

Moving defendants urge this court to discount *Gerrow* as factually distinguishable and a non-precedential plurality opinion, even though the Superior Court adopted the holding and logic of *Gerrow* in *Kurian v. Anisman*⁵ nearly two decades ago. *Kurian*, 851 A.2d at 159. The *Kurian* court noted *Gerrow* was especially informative to understanding how to interpret Rules 1035.2 and 1035.3(b) because the Pennsylvania Supreme Court itself promulgated the Rules of Civil Procedure. *Id.*

Rule 1035.3(b) states, "An adverse party may supplement the record or set forth the reasons why the party cannot present evidence essential to justify opposition to the motion and any action proposed to be taken by the party to present such evidence." Appellate courts have interpreted Rules 1035.3(b) and 1035.2 together as permitting respondents to include supplemental expert reports in a timely response to motion for summary judgment, despite the trial court's discovery deadline having passed. *Wolloch v. Aiken*, 815 A.2d 594, 596 (Pa. 2002) (citing *Gerrow v. John Royle & Sons*, 813 A.2d 778 (Pa. 2002) (plurality)).

Rule 1035.3(b) is also read in light of Rule 4003.5(b), which states, "An expert witness whose identity is not disclosed in compliance with subdivision (a)(1) of this rule shall not be permitted to testify on behalf of the defaulting party at the trial of the action." *Kurian*, 851 A.2d at 159. Rule 4003.5(a)(1) requires expert witnesses to be identified in answer to the other party's interrogatories. Trial courts may therefore preclude supplemental expert reports and testimony as a discovery sanction where the expert's identity has not been previously disclosed,

⁴ 813 A.2d 778 (Pa. 2002) (plurality opinion).

⁵ 851 A.2d 152, 161 (Pa. Super. 2004) (precedential opinion).

thereby causing prejudice to the opposing party. *Kurian*, 851 A.3d at 160–61.

This case is distinguishable from *Kurian* and subsequent cases discussing Rule 4003.5(b). *Kurian* and its progeny focus on expert witnesses who were not identified until days or weeks before trial, because it is the witness's non-identification that triggers Rule 4003.5(b). In *Kurian*, the trial court properly invoked Rule 4003.5(b) to preclude use of a previously unidentified expert's report submitted on the eve of trial in response to a motion for summary judgment because the late revelation prevented defendants from responding to the expert report. 851 A.3d at 161. Here, plaintiffs identified Dr. Pearl as an expert witness at least by March 28, 2022 when his expert report was submitted ahead of the parties' pretrial conference.

Rule 4003.5(b) is inapplicable in this case and so does not empower this court to preclude the expert report as a discovery sanction. By its plain language, Rule 4003.5(b) applies when an expert witness was not previously disclosed in response to the opposing party's interrogatories. Its language is directed to the *witness* being previously disclosed, not the witness's *report* being previously disclosed. Because there is no debate that Dr. Pearl was previously disclosed as an expert witness, Rule 4003.5(b) is inapplicable.

Despite discovery being concluded based on a deadline imposed by this court's case management order, when moving defendants filed a motion for summary judgment on November 8, 2022 plaintiffs were entitled to supplement the record in a timely response to the motion using a previously identified witness. See Pa. R.C.P. 1035.3(b). Plaintiffs filed a timely response. This court must accept plaintiffs' supplemental expert report, which was appropriate under Rule 1035.3(b).

B. Summary judgment is inappropriate as a matter of law.

A party may move for summary judgment

if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

Pa. R.C.P. 1035.2. Subsection (b) of Rule 1035.3 permits the adverse party to supplement the record in order to set forth reasons why summary judgment should not be granted. See Section I(A), *supra*. "If there is evidence that would allow a fact-finder to render a verdict in favor of the non-moving party, then summary judgment should be denied." *Reinoso v. Heritage Warminster SPE LLC*, 108 A.3d 80, 84 (Pa. Super. 2015).

Under the doctrine of corporate negligence, hospitals owe the following duties:

"(1) a duty to use reasonable care in the maintenance of safe and adequate facilities and equipment;

- (2) a duty to select and retain only competent physicians;
- (3) a duty to oversee all persons who practice medicine within its walls as to patient care; and
- (4) a duty to formulate, adopt and enforce adequate rules and policies to ensure quality care for the patients.”

Thompson v. Nason Hosp., 591 A.2d 703, 707 (Pa. 1991). The plaintiff must show the hospital had actual or constructive knowledge of the defect or procedures that created the alleged harm. *Id.* at 708. The hospital’s negligence must also be a substantial factor in bringing about the harm. *Id.* To establish a *prima facie* case of corporate negligence against a hospital, the plaintiff must produce an expert report to establish deviation from the standard of care and that the deviation was a substantial factor in causing plaintiff’s harm. *Rauch v. Mike-Mayer*, 783 A.2d 85, 828 (Pa. Super. 2001) (quoting *Welsh v. Bulger*, 698 A.2d 581, 585 (Pa. 1997)).

Moving defendants assert plaintiffs failed to allege any facts to support a corporate negligence claim because Dr. Pearl is not an expert in corporate negligence and because his expert report does not criticize Lancaster HMA, LLC, individually and d/b/a Heart of Lancaster Regional Medical Center. Defs.’ Mot. Summ. J. ¶¶ 30–31.

The supplemental expert report by Dr. Pearl discusses the individual responsibility of the hospital, including the hospital’s duties to oversee anesthesiologists and to create and enforce appropriate policies. The report further critiques the hospital’s oversight surrounding the surgery as well as the content of, and follow-through on, existing hospital policies. According to Dr. Pearl’s supplemental report, the hospital’s failure to provide oversight and to enforce policies led to Mrs. Diehl’s harm. This is sufficient to establish a *prima facie* case of corporate negligence sufficient to survive summary judgment. Criticism of Dr. Pearl’s expertise in matters of corporate negligence is best left to the voir dire of Dr. Pearl at trial.

III. CONCLUSION

For the above reasons, moving defendants’ motion for summary judgment on Count III is denied. A proper order follows.

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

ORDER

AND NOW, this 1st day of March 2023, having reconsidered its January 17, 2023 order and moving defendants' motion for summary judgment as to Count III of plaintiffs' complaint, it is ORDERED that moving defendant's motion is DENIED.

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

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

Bodine, Danny N., dec'd.

Late of Manheim Township.
Executor: Michael B. Bodine
c/o Law Office of Shawn Pierson,
105 East Oregon Rd.,
Lititz, PA 17543.
Attorney: Shawn M. Pierson,
Esq.

Brown, James C., dec'd.

Late of West Lampeter.
Executor: James E. Brown c/o
Saxton & Stump, LLC, 280
Granite Run Dr., Ste. 300, Lan-
caster, PA 17601.
Attorney: Rhonda F. Lord, Esq.

Ebersole, Andrew H., dec'd.

Late of Manheim Township.
Executor: Sheila D. Cooper
c/o Saxton & Stump, LLC, 280
Granite Run Dr., Ste. 300, Lan-
caster, PA 17601.
Attorney: Scott A. Mitchell, Esq.

Eckman, Jean S. a/k/a Jean Scheafnocker Eckman, dec'd.

Late of East Hempfield Town-
ship.

Jean S. Eckman Trust Agree-
ment dtd. 02/21/2004 as
Amended and Restated
04/08/2015.

Co-Trustees: Mary E. Gestrich,
Barbara L. Eckman, Susan K.
Wilkins c/o Jeffrey C. Goss,
Esquire, 480 New Holland Ave-
nue, Suite 6205, Lancaster, PA
17602.

Attorneys: Brubaker Con-
naughton Goss & Lucarelli LLC.

Eshbach, Mark E., dec'd.

Late of the Township of Manor.
Executor: Jay C. Eshbach c/o
Justin J. Bollinger, Attorney,
P.O. Box 5349, Lancaster, PA
17606.

Attorneys: Gibbel Kraybill &
Hess LLP.

Etesamipour, Behrooz, dec'd.

Late of Maheim Township.
Administrators: Bahram Etesa-
mypour, Azar Dokht Etesamy-
pour-King c/o Lucy F. Dowd,
Lucy Dowd Law LLC, 342 N.
Queen Street Rear, Lancaster,
PA 17603.

Attorney: Lucy F. Dowd.

Gladfelter, Nadine E., dec'd.

Late of Manheim Township.
Executor: Robert S. Gladfelter
c/o Andrew C. Herrold, Esq.,
MPL Law Firm, LLP, 96 South
George Street, Ste 520, York, PA
17401.

Attorney: Andrew C. Herrold,
Esq.

Gray, David W., dec'd.

Late of the Borough of Marietta.

Administrator: Samuel D.L. Gray c/o Stacey W. Betts, Esq., 75 East Main Street, Mount Joy, PA 17552.
Attorney: Stacey W. Betts, Esq.

Harris, Winifred M., dec'd.

Late of Martic Township.
Co-Executors: Kim A. Harris, Craig A. Harris c/o Paterson Law LLC, 2703 Willow Street Pike N, Willow Street, PA 17584.
Attorney: Kim Carter Paterson.

King, Lis, dec'd.

Late of Manheim Township.
Personal Representative: Elizabeth Reister c/o Eric Schelin Rothermel, Esq., 49 North Duke Street, Lancaster, PA 17602.
Attorneys: May, Herr & Grosh, LLP.

Leinbach, Anne E. a/k/a Anne Elizabeth Leinbach, dec'd.

Late of Ephrata Township.
Executor: Charles Randall Leinbach c/o Lucy F. Dowd, Lucy Dowd Law LLC, 342 N. Queen Street Rear, Lancaster, PA 17603.
Attorney: Lucy F. Dowd.

Longenecker, Charles B., dec'd.

Late of Manheim Township.
Executor: Kenton Longenecker c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Lynch, David E., dec'd.

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

LLP, 327 Locust Street, Columbia, PA 17512.

Miller, Agnes K. a/k/a Agnes Miller, dec'd.

Late of Fulton Township.
Administrators CTA: Linda L. Drew, Brenda S. Pennington c/o Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348.
Attorney: Donald B. Lynn, Jr., Esq., Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348.

Mills, Carolyn J., dec'd.

Late of Caernarvon.
Executor: Kathryn F. Daniels c/o Saxton & Stump, LLC, 280 Granite Run Dr., Ste. 300, Lancaster, PA 17601.
Attorney: Scott A. Mitchell, Esq.

Mongilutz, Judith D., dec'd.

Late of Warwick Township.
Executor: Michele M. Burkholder c/o Lucy F. Dowd, Lucy Dowd Law LLC, 342 N. Queen Street Rear, Lancaster, PA 17603.
Attorney: Lucy F. Dowd.

Price, Alan R., dec'd.

Late of the Township of Warwick.
Executrix: Janice Amand c/o John R. Gibbel, Attorney, P.O. Box 5394, Lancaster, PA 17606.
Attorney: Gibbel Kraybill & Hess, LLP.

Ressler, Betty L., dec'd.

Late of the Township of Manheim.
Co-Executors: C. Steven Ressler, Brenda S. Shank c/o Paterson Law LLC, 2703 Willow Street Pike N, Willow Street, PA 17584.

Attorney: Kim Carter Paterson.

Sigman, Mary E., dec'd.

Late of Providence Township.
Administrator: Brian Sigman
c/o Law Office of Gretchen M.
Curran, LLC 1337 Byerland
Church Road P.O. Box 465 Wil-
low Street, PA 17584.
Attorney: Gretchen M. Curran.

Smoker, Esther Grace, dec'd.

Late of Earl Township.
Executor: Linda S. Simmons
c/o Kling, Deibler & Glick, LLP,
131 W. Main Street, New Hol-
land, PA 17557.
Attorney: Patrick A. Deibler,
Esq., Kling, Deibler & Glick,
LLP.

Stoltzfus, Edna E., dec'd.

Late of West Earl Township.
Executor: Clair E. Stoltzfus
c/o Michele A. Werder, Esq.,
P.O. Box 5349, Lancaster, PA,
17606.
Attorneys: Gibble Kraybill &
Hess LLP.

Stoltzfus, Naomi S., dec'd.

Late of Salisbury Township.
Co-Executors: Nathaniel David
Stoltzfus, Matthew B. Stoltzfus
c/o Nicholas T. Gard, Esquire,
121 E. Main Street, New Hol-
land, PA 17557.
Attorneys: Smoker Gard Associ-
ates LLP.

Wall, Linda D., dec'd.

Late of Mount Joy.
Executor: Derek Callahan c/o
Saxton & Stump, LLC, 280
Granite Run Dr., Ste. 300, Lan-
caster, PA 17601.
Attorney: Scott A. Mitchell, Esq.

Witmer, Luke B., dec'd.

Late of Brecknock Township.
Executrix: Brenda Ann Mumma
c/o A. Anthony Kilkuskie, 117A
West Main Street, Ephrata, PA
17522.

Attorney: A. Anthony Kilkuskie,
117A West Main Street, Ephra-
ta, PA 17522.

Wittel, Elizabeth F., dec'd.

Late of West Donegal Township.
Executor: Nathan D. Humbert
c/o Clymer Musser & Sarno,
PC, 408 West Chestnut Street,
Lancaster, PA 17603.

Attorney: James N. Clymer,
Esq.

**Zeager, Jack L. a/k/a Jack L.
Zeager, Sr., a/k/a Jack Lavern
Zeager**, dec'd.

Late of West Donegal Township.
Executors: Jack L. Zeager, Jr.,
Cory M. Zeager c/o Nikolaus
& Hohenadel, LLP, 222 South
Market Street, Suite 201, Eliz-
abethtown, PA 17022.

Attorney: Kevin D. Dolan, Esq.

Zimmerman, Ivan R., dec'd.

Late of West Earl Township.
Executrix: Doris Jean Risser
c/o H. Charles Benner, Attor-
ney, 200 East Main Street, Le-
ola, PA 17540.

Attorney: H. Charles Benner,
Esq.

SECOND PUBLICATION

Becker, Ruth E., dec'd.

Late of the Township of West
Donegal.

Executor: Daniel S. Becker c/o
Nikolaus & Hohenadel, LLP,
222 South Market Street, Suite
201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esq.

Borrell, Dianna J., dec'd.

Late of Elizabethtown Borough.
Executrix: Stacy L. Graff c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Esq.

Craver, Elizabeth H. a/k/a Elizabeth Anne Craver a/k/a Elizabeth Hunsberger Craver, dec'd.

Late of Manheim Township.
Executor: Jeffrey Lloyd Craver c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Douglas, Gene C., Jr., dec'd.

Late of West Hempfield Township.
Executor: Austin M. Douglas c/o 327 Locust Street, Columbia, PA 17512.
Attorney: John F. Markel, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Durnall, Lesley S. a/k/a Lesley Durnall, dec'd.

Late of Ephrata Township.
Executor: Janet L. Stoltzfus c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Dyer, Harry G., dec'd.

Late of Elizabethtown Borough.
Executor: Kenneth E. Dyer c/o Randall L. Miller, Esquire, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.
Attorney: Randall L. Miller, Esquire.

Forte, Cosimo M., dec'd.

Late of Manor Township.
Executor: Steven J. Forte c/o Lindsay Casadei, Esq., Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.
Attorney: Lindsay Casadei, Esq.

Gaul, Thomas A., Sr., dec'd.

Late of Warwick Township.
Executor: Jeff Peifer c/o Scott Allen Mitchell, Esq., Saxton & Stump, LLC, 280 Granite Run Dr., Ste. 300, Lancaster, PA 17601.
Attorney: Saxton & Stump, LLC.

Groff, Hershey, Jr., dec'd.

Late of Manheim Township.
Executrix: Judith L. Hoar, 160 E. King St., Lancaster, PA 17602.
Attorney: None.

Grove, Kathryn Jean a/k/a Kathryn J. Grove, dec'd.

Late of Manor Township.
Administrators: Stephanie L. Murr, Michael R. Grove, Anthony Grove c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Gutshall, Robert E., Sr. a/k/a Robert E. Gutshall, dec'd.

Late of the Township of Warwick.
Executor or Executrix: Robert E. Gutshall, Jr., Deborah A. Timm, Karen L. Gutshall c/o Gible Law Offices, P.C., 126 East Main Street, Lititz, PA 17543.
Attorney: Stephen R. Gible.

Hammer, Darline R. a/k/a Darline Ruth Hammer, dec'd.

Late of Manheim Township.
Executor: Diana Stuhr c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.
Attorneys: Neil R. Vestermark, Esquire, Aevitas Law, PLLC.

Hess, Eugene R., Jr., dec'd.

Late of Elizabethtown.
Adminstratrix: Angela M. Rhodes c/o Melanie Walz Scaringi, Esquire, Scaringi Law, 2000 Linglestown Rd., Suite 106, Harrisburg, PA 17110.
Attorney: Melanie Walz Scaringi, Esquire.

Hess, Vivian I. a/k/a Vivian Irene Hess, dec'd.

Late of Bart Township.
Executor: Thomas M. Hess c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.
Attorney: Jeffrey S. Shank, Esquire.

Hauck, Joseph M., dec'd.

Late of Lancaster City.
Executor: John A. Fiorill c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

LeFevre, Garry Mark, Jr., dec'd.

Late of West Hempfield Township.
Personal Representative: John W. Metzger c/o John W. Metzger, Esquire, 901 Rohrerstown Road, Lancaster, PA 17601.
Attorneys: Metzger and Spencer, LLP.

LeFevre, Sandra D., dec'd.

Late of West Hempfield Township.
Personal Representative: John W. Metzger c/o John W. Metzger, Esquire, 901 Rohrerstown Road, Lancaster, PA 17601.
Attorneys: Metzger and Spencer, LLP.

Madonna, William J., dec'd.

Late of East Hempfield Township.
Executor: Michael J. Mongiovi c/o Mongiovi Law, LLC, 235 North Lime Street, Lancaster, PA 17602.
Attorney: Michael J. Mongiovi.

Marts, Brenda M. a/k/a Brenda Mae Marts, dec'd.

Late of Eden Township.
Executor: James B. Louthian c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.
Attorney: John C. Hohenadel, Esquire.

Mayer, Travis Ryan, dec'd.

Late of Conoy Township.
Executor: Jenna Marie Mayer c/o Deryck Henry, Esquire, 5621 River Road, Harrisburg, PA 17110.
Attorney: Deryck Henry, Esquire.

Nooyen, Joyce A., dec'd.

Late of East Lampeter Township.
Co-Executors: Sandra L. Barrett, Debra R. Smucker c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.
Attorneys: Smoker Gard Associates LLP.

Ober, Arlene L., dec'd.

Late of Manor Township.
Executor: Michael G. Lockard
c/o Lindsay Casadei, Esq., By-
ler & Winkle, P.C., 363 West
Roseville Road, Lancaster, PA
17601.

Attorney: Lindsay Casadei, Esq.

**Slaugh, Parker Benjamin a/k/a
Parker B. Slauch a/k/a Parker
Slauch**, dec'd.

Late of Martic Township.
Administrator: Edgar L. Grove
c/o Rory O. Connaughton, Es-
quire, 480 New Holland Ave-
nue, Suite 6205, Lancaster, PA
17602.

Attorneys: Brubaker Con-
naughton Goss & Lucarelli LLC.

THIRD PUBLICATION

Bossert, Lee A., dec'd.

Late of the Borough of Lititz.
Executrix: Beth A Bossert c/o
Kluxen, Newcomer & Dreis-
bach, Attorneys-at-Law, 2221
Dutch Gold Drive, Dutch Gold
Business Center, Lancaster, PA
17601.

Attorney: Melvin E. Newcomer,
Esquire.

**Campbell, Diane K. a/k/a Diane
K. Shirey**, dec'd.

Late of Penn Township.
Executor: Shaun S. Steffy c/o
Russell, Krafft & Gruber, LLP,
101 North Pointe Blvd., Suite
202, Lancaster, PA 17601.

Attorney: Holly S. Filius, Es-
quire.

Dancause, Donald A., dec'd.

Late of Columbia Borough.
Executor: Patricia Dancause
c/o 327 Locust Street, Colum-
bia, PA 17512.

Attorney: Michael S. Grab, Es-
quire, Nikolaus & Hohenadel,
LLP, 327 Locust Street, Colum-
bia, PA 17512.

Dowie, Anna E., dec'd.

Late of Manheim Township.
Executor: Marsha E. Ruttkay
c/o Law Office of Shawn Pier-
son, 105 East Oregon Road,
Lititz, PA 17543.

Attorney: Shawn M. Pierson,
Esq.

Funk, Betty K., dec'd.

Late of Manheim Township.
Co-Executrices: Janie B. Horst,
Lois E. Harnish, Janice E.
Charles c/o Michele A. Werder,
Attorney, P.O. Box 5349, Lan-
caster, PA 17606.

Attorneys: Gibbel Kraybill &
Hess LLP.

Ginter, Dorothy S., dec'd.

Late of Caernarvon Township.
Executrix: L. Ellen Bonds c/o
A. Anthony Kilkuskie, 117A
West Main Street, Ephrata, PA
17522.

Attorney: A. Anthony Kilkuskie,
117A West Main Street, Ephra-
ta, PA 17522.

**Heath, Nancy J. a/k/a Nancy
Jane Heath**, dec'd.

Late of Manheim Township.
Executor: Mark D. Heath c/o
Justin J. Bollinger, Attorney,
P.O. Box 5349, Lancaster, PA
17606.

Attorneys: Gibbel Kraybill &
Hess LLP.

**Heidig-Hershey, Audrey a/k/a
Audrey M. Howe a/k/a Audrey
M. Heidig a/k/a Audrey H. Her-
shey**, dec'd.

Late of Lancaster Township.

Executor: Michelle L. Howe c/o Mark L. Blevins, Esquire, 701 Penn Grant Road, Lancaster, PA 17602.
Attorney: Mark L. Blevins, Esq.

Heisey, Paul R., dec'd.

Late of Ephrata Township.
Co-Executors: Elizabeth A. Heisey, Joshua P. Heisey c/o John H. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.
Attorney: May, Herr & Grosh, LLP.

Holland, Samuel D., dec'd.

Late of East Cocalico Township.
Co-Executors: Tracy D. Porter, Thomas Porter c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

Horning, Jewell W., Jr., dec'd.

Late of the Township of West Lampeter.
Executrix: Paula L. Horning c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Huber, Elmer S., dec'd.

Late of Warwick Township.
Administrator: John R. Gibbel c/o John R. Gibbel, Attorney, P.O. Box 5394, Lancaster, PA 17606.
Attorney: Gibbel Kraybill & Hess, LLP.

Larson, Ingegerd T., dec'd.

Late of Manheim Township.
Executors: Emmet Larson, E. Andrea Larson c/o Robert F. Musser, Esq., 408 West

Chestnut Street, Lancaster, PA 17603.
Attorney: Clymer Musser & Sarano, PC.

McKinney, Ruth M. a/k/a Ruth Mae McKinney a/k/a Ruth McKinney, dec'd.

Late of Manheim Township.
Executor: Bonnie L. Morant c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.
Attorney: Barbara Reist Dillon.

Mentzer, Roberta E., dec'd.

Late of Mount Joy Borough.
Executrix: Barbara Ann Neideigh c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.
Attorney: Kevin D. Dolan, Esq.

Metz, Shirley Ann, dec'd.

Late of West Lampeter Township.
Personal Representative: Dale R. Metz c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.
Attorney: May, Herr & Grosh, LLP.

Moreau, Walter J., dec'd.

Late of West Lampeter Township.
Executor: Constance Moreau c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.
Attorney: Matthew A. Grosh.

Parker, John Cortland III, dec'd.

Late of Manor Township.
Administratrix: Elizabeth P. Markowitz c/o 135 North George Street, York, PA 17401.
Attorney: Timothy Bupp, CGA

Law Firm, 135 North George Street, York, PA 17401.

Reardan, Marcia R., dec'd.

Late of West Lampeter Township.

Co-Executors: Clifford W. Johnston, Jr., Ruth E. Salomone c/o Scott Allen Mitchell, Esq., Saxton & Stump, LLC, 280 Granite Run Dr., Ste. 300, Lancaster, PA 17601.

Attorney: Saxton & Stump, LLC.

Sheaffer, Sylvia J., dec'd.

Late of Manheim Township.

Executor: Steven L. Morganti c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

Attorney: A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

Shoff, Jeffrey G., dec'd.

Late of Marietta Borough.

Executrix: Corrin Shoff c/o Clymer Musser & Sarno, PC, 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: James N. Clymer, Esq.

Simpson, Alice, dec'd.

Late of Lancaster.

Executor: Melanie Thwaites, 9 Hawthorn Court, Rockville, MD 20850.

Attorney: None.

Snader, Ray W., dec'd.

Late of Brecknock Township.

Executor: Doris J. Snader c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Patrick A. Deibler, Esq., Kling, Deibler & Glick, LLP.

Thomas, Mary A., dec'd.

Late of Lancaster.

Executor: William A. Thomas, 148 Silver Drive, Elizabethtown, PA 17022.

Attorney: Reed Law, 4303 Derry Street, Harrisburg, PA 17111.

Wishard, Nancy A., dec'd.

Late of West Donegal Township.

Executor: Stephen Wishard c/o Nikolaus & Hohenadel, LLP, 222 S. Market St., Suite 201, Elizabethtown, PA 17022.

Attorney: John M. Smith, Esquire.

Zimmerman, Amos W. a/k/a Amos Weiler Zimmerman, dec'd.

Late of Ephrata Borough.

Executor: Nevin H. Zimmerman c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esq.

ARTICLES OF AMENDMENT

**DOMESTIC CORPORATION
NOTICE**

Notice is hereby given that **Limeville Church, Inc.**, 5783 Limeville Road, Gap, Pennsylvania 17527, formerly known as Limeville United Methodist Church Incorporated, has changed its' name and been incorporated under the provisions of the Nonprofit Corporation Law of 1988 by filing of Articles of Amendment - Domestic Corporation with the Pennsylvania Department of State on September 7, 2023.

KLING, DEIBLER & GLICK, LLP

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ARTICLES OF INCORPORATION

Notice is hereby given that Ar-

ticles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for a business corporation organized under the Pennsylvania Business Corporation Law of 1988 on July 14, 2023, for **Eastern Dairy Ltd.**

SAMUEL A. GOODLEY, III, ES-QUIRE

SAM GOODLEY LAW LLC

434 W. 4th St.

Quarryville, PA 17566

S-29

Redeemed Christian Fellowship has been incorporated under the provisions of Article B of the Nonprofit Corporation Law of 1988.

GIBBEL KRAYBILL & HESS LLP
Attorneys

S-29

**CIVIL ACTIONS -
CUSTODY**

In the Court of Common Pleas
Civil Action - Custody

No. CI-23-04729

MARISOL WILSON,
Plaintiff

vs.

MEI-LING ALCOVER,
Defendant

NOTICE

You are hereby notified that you, **Timothy Rivera**, have been sued in court to obtain custody of the following child, G.G.R., age 18 months. A custody conference has been scheduled for October 16, 2023 at 10 A.M., in conference room no. 504 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, before Richard J. Gromen, Jr., Custody Conference Officer.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LANCASTER BAR ASSOCIATION
28 East Orange Street
Lancaster, PA 17602
(717) 393-0737

S-29; O-6, 13

In the Court of Common Pleas
Civil Action - Custody

No. CI-16-05346

KARA UNDERWOOD
Plaintiff

vs.

KEIFFER BAKER,
Defendant

ORDER

AND NOW, this 20th day of July 2023, the Custody Conference that was to be held on July 17, 2023, is continued due to lack of service on Plaintiff.

Defendant is directed to provide service to Plaintiff in accordance with the PA Rules of Civil Procedure.

Pending the rescheduled conference, the Order of June 12, 2023: shall remain in effect.

The Custody Conference is rescheduled for the 17th day of October, 2023. at 9:00 o'clock a.m. in Room #503, before **Kelli A.M. Knerer**, Custody Conference Officer.

IF YOU ARE PROPOSING TO RELOCATE TO ANOTHER AREA WITH THE CHILDREN NAMED IN THIS CUSTODY ACTION, you must comply with the requirements of Section 5337 of the Pennsylvania custody law which includes sending notice of your proposed move to every other individual who has custody rights to the children and providing specific information concerning your relocation. The law may be found at 23 Pa. C.S.A. §5337. If you do not comply with the notice provision or provide the required information, the Court has the ability to consider your failure as an element in the custody or relocation decision.

BY THE COURT
/s/ CRAIG W. STEDMAN, JUDGE
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CHANGE OF NAME NOTICES

Court of Common Pleas
No.: CI-23-02755
IN RE: NAME CHANGE OF CARTER THOMAS HAIN

NOTICE IS HEREBY GIVEN that on April 24, 2023, the Petition of Scott H. Hain and Heather L. Hain parents of **Carter Thomas Hain** was filed in the above Court praying for a Decree to change the

name of Carter Thomas Hain to Amelia Sandra Hain.

The Court has fixed the 29th day of December, 2023, at 2:00 p.m. in Courtroom No. 4 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, for a hearing of said Petition, when and where all persons interested may appear and show cause, if any, why said Petition should not be granted.

KURT A. GARDNER, ESQUIRE
S-29; O-6

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 **Leo Ward** to Leo F. Ward, Jr. A hearing on the Petition will be held on January 18, 2024 at 1 :30 p.m. 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 should not be granted.

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NOTICE OF JUDICIAL TAX SALE

TO OWNERS OF PROPERTIES DESCRIBED IN THIS NOTICE AND ALL OTHERS HAVING ANY CLAIMS, LIENS, JUDGMENTS, MORTGAGES, CHARGES, ESTATES OR ANY OTHER INTERESTS WHATSOEVER IN SUCH PROPERTIES:

NOTICE IS HEREBY GIVEN THAT THE LANCASTER COUNTY TAX CLAIM BUREAU WILL HOLD A JUDICIAL TAX SALE OF THE FOLLOWING PROPERTIES IN LANCASTER COUNTY, PA ON MONDAY, NOVEMBER 13,

2023 AT 9:00 A.M. TO 3:00 P.M.

<https://www.govdeals.com/lctcb2023JudicialTaxSale> FOR THE COLLECTION OF DELINQUENT REAL ESTATE TAXES AS REQUIRED BY THE REAL ESTATE TAX SALE LAW (72 P.S. 5860.610 *ET SEQ*):

Lot - Arcadia Trace Road, Fulton Township

Owners: Tom C. Swift

Tax Parcel No. 280-80406-0-0000

Docket No. CI-23-03673

611 North Fifth Street, Columbia Borough

Owners: Lawrence Marra and Francesca Marra

Tax Parcel No. 110-03018-0-0000

Docket No. CI-23-03672

623 North Fifth Street, Columbia Borough

Owners: Lawrence Marra and Francesca Marra

Tax Parcel No. 110-22644-0-0000

Docket No. CI-23-03672

**JUDICIAL TAX SALE
CONDITIONS OF SALE (2023)**

Winning bidders will receive a Buyer's Certificate from GovDeals as their notice of a winning bid. The winning bidder shall be required to make payment in full by certified check, or money order payable to County of Lancaster at the Lancaster County Tax Claim Bureau located at 150 N. Queen Street, Suite 122, Lancaster, PA 17603 by 12:00 PM EST of the next business day following the tax sale at which time the winning bidder shall also present a copy of the Buyer's Certificate to the Tax Claim Bureau. Winning bidders shall be required to pay the bid in full and in addition to their bids,

the buyer's auction fee (5% of the winning bid), the cost for recording each deed, and the cost of such transfer tax stamps as may be necessary. Failure to submit payment in full by 12:00 PM EST of the next business day shall result in a default and may prevent the bidder from being approved to bid at future tax sales. The Tax Claim Bureau reserves the right to accept or reject any or all bids in accordance with the Real Estate Tax Sale Law and these Conditions of Sale. If the conditions of sale are not adhered to, the property shall be re-exposed to sale immediately or at the latest, before the end of the tax sales. All sales will be final and no adjustments will be made after the Tax Sale is closed. Buyers will be required to pay, as part of their bids, the cost for recording each deed, and the required transfer tax. Deeds will be prepared by the Bureau and recorded.

The above properties are being sold pursuant to Orders of Court docketed to the above referenced numbers obtained in accordance with 72 P.S. 5860.610 *et seq*, free and clear of all tax and municipal claims, mortgages, certain liens, charges and estates, except separately taxed ground rents. It is strongly urged that prospective purchasers examine the docketed Prothonotary file and the title to any property in which they may be interested and consult with an attorney with regard thereto. Each property is offered for sale by the Tax Claim Bureau without any guarantee or warranty whatsoever, either as to existence, correctness of ownership, size, boundaries, location, structures or lack of

structures upon the land, liens, title, condition of the property or any matter or thing whatsoever, including but not limited to environmental conditions such as possible wetlands, storm water drainage matters, underground storage tanks or hazardous or toxic waste or materials in, on, or under the property. Prior advertisement for these properties was made in the Lancaster Newspaper on October 7, 2022, the Ephrata Review on September 12, 2022, and the Lancaster Law Review on October 7, 2022.

Pursuant to P.L. 1239, 68 Pa. C.S.A. §2101, et seq., the Pennsylvania Land Bank Act was enacted which in part provides that a land bank may enter into an option agreement to purchase property at a price agreed upon by the applicable taxing bodies. The Lancaster County Land Bank Authority may enter into such an Option Agreement and if so a copy of said Option Agreement shall be provided to the Director of the Tax Claim Bureau. Additionally, the Lancaster County Land Bank Authority may be a potential bidder for any or all of the properties to be exposed at the Judicial Tax sale.

Pre-registration is required.

Registration for the Judicial Tax Sale can be completed online at

<https://www.govdeals.com/lctcb2023JudicialTaxSale> from October 9, 2023, thru November 3, 2023 at 5:00 p.m. All bidders will be required to fill out and sign a bidder registration form, complete and submit a notarized bidder's affidavit and certificate, and will be required to present a photo ID in order to bid. Purchasers bidding on a property on behalf of another individual or entity must

present a fully executed Power of Attorney that has been recorded in the Recorder of Deeds Office prior to the time of completing the bidder registration form. If an individual is planning to bid in the name of a corporation, partnership, LLC or any other business entity, said individual must have the appropriate official documentation to show proof of authority to bid on behalf of said entity as well as official proof that said entity is a duly registered legal entity as appropriate. Signature on the bidder registration form is an acknowledgment of the signor's full and complete understanding of these Conditions of Sale and agreement to be bound thereby.

The Real Estate Tax Sale Law requires a successful bidder to provide certification to the Bureau within twenty (20) days following any sale that the successful bidder is not delinquent in paying real estate taxes to any of the taxing districts where the property is located and that the successful bidder has no municipal utility bills that are more than one (1) year outstanding. BY: THE LANCASTER COUNTY TAX CLAIM BUREAU

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NOTICE OF PUBLIC HEARING

The Lampeter-Strasburg School District Board of Directors is proposing the sale of a tract of land located at 114 W. Franklin St., Strasburg Borough, Lancaster County, Pennsylvania, Tax ID No. 570-75416-0-0000 to a private purchaser. The Pennsylvania Public School Code, Section 707, requires that a court hearing be held prior to the sale of unused

and unnecessary lands and/or buildings. A court hearing shall be held on Thursday, October 26, 2023, commencing at 10:30 AM at the Lancaster County Courthouse, 50 N. Duke St., Lancaster Pennsylvania, in Courtroom No. 6, on the Third Floor. The public hearing shall be for the purpose of obtaining court approval of the sale and for considering and receiving public comment. Any resident of the Lampeter-Strasburg School District may provide comment to the Court regarding the sale at the hearing.

APPEL, YOST & ZEE, LLP
Solicitors for Lampeter-Strasburg School District Board of Directors
S-29; O-6, 13

ORPHANS' COURT DIVISION

Orphans' Court Division
Auditing Notices

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons, minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on

October 3, 2023

at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA

1. HESS, PATSY W., decd., 2021-01548. First & Final Acct., Dennis E. Hess & Douglas Hess, Exec., James R. Clark, atty.

Anne L. Cooper
Clerk of the Orphans' Court
Division
of the Court of Common Pleas.
S-22, 29

SUITS ENTERED

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

**September 14, 2023
to September 20, 2023**

ARMSTRONG, TEGAN, FILSON, DENNIS; Estate of Thelma H. Barrett; 06441; Newcomer

BRYANT, RODNEY; Goldman Sachs Bank USA; 06409; Loewy
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BUREAU OF DRIVER LICENSING; Nicole Powell, 06448

FREY, KIMBERLY; Newport Commons I II LLC; 06447

GLOVER, BLAISE, GOODMAN, AMANDA; Jameel Thrash; 06415

HOOVER, KEVIN; Andre Settles; 06512; Staszkiw

JABATCH, MARIAMA; Shannon Delaney; 06582; Stampone

JAMISON, ALLEN S., JAMISON, JENNIFER R.; CSMC 2019-RPL7 Trust; 06437; Williams

JOHNSON, CORTNEY; Hassan McBride; 06473; Beck

KOLDRAS, RONALD, KOLDRAS,

<p>GENEVIEVE; Conestoga View SNF Operations LLC; 06545; Eisemann LAW, JAMES, ROARK, CINDY S.; Solanco School District; 06476; Bryant LEONARD, KYLE, LEONARD, SHIANNE; L.P., a minor; 06408; Zaiter LUTZ, CLINTON; White Oak Mills Inc; 06495; Peipher RIVERA, JAILENE, DOE 1-5, JOHN, DOE 1-5, JANE; Rosetta Hargrove; 06436; Ryan SCRANTON, TAMARA C.; Goldman Sachs Bank USA; 06410; Loewy SKILLINGS, JUSTIN, JACS</p>	<p>E-BIKES LLC, SKILLINGS, AUSTIN, SQUARERANK LLC; Pursuit E-Bikes; 06457; Harter SWEIGART, ANDREW M.; Goldman Sachs Bank USA; 06411; Loewy UMBLE, MICHELLE; Shawn D. Coover; 06455 UNITED FEDERAL DATA OF PENNSYLVANIA LLC; PPL Electric Utilities Corporation; 06528; Manley YOGI BEAR'S JELLYSTONE PARK CAMP RESORT OF QUARRYVILLE; Allstate Indemnity Company; 06527; Grear</p>
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