



# Butler County Legal Journal

(USPS 081020)

Vol. 20

March 16, 2012

No. 11

*Designated as the Official Legal Periodical for Butler County, Pennsylvania*

## **Judges of the Courts of Butler County**

Honorable Thomas J. Doerr, President Judge

Honorable Marilyn Horan

Honorable William R. Shaffer

Honorable S. Michael Yeager

Honorable Timothy F. McCune

Honorable Kelley Streib

## **Butler County Bar Association**

Joseph E Kubit, President

## **Legal Journal Committee**

Leo M. Stepanian, Editor & Chairman

Michael J. Pater

Armand R. Cingolani, III

Michael D. Gallagher

Robert F. Hawk

Pamela Walters

Owned and Published weekly by:

**Butler County Bar Association**

**201 South Main Street, Ste 101, Butler PA 16001**

**Phone: 724.841.0130 | Fax: 724.841.0132**

**[bclegaljournal@zoominternet.net](mailto:bclegaljournal@zoominternet.net)**

## **INDEX**

Divorce Notices.....	11
Estate Notices.....	3
Executions .....	11
Judgments .....	10
Mortgages.....	7
Notices .....	11
Opinion Summaries.....	2
Suits .....	9

## **PLEASE NOTE:**

**Advertisements must be received by 12:00 pm  
the Friday preceding the date of publication.**

**Email: [BCLegalJournal@zoominternet.net](mailto:BCLegalJournal@zoominternet.net)**

**[www.butlercountypabar.org](http://www.butlercountypabar.org)**

**Dated Material - Do Not Delay Delivery**

The Butler County Legal Journal is published every Friday. Owned and published by the Butler County Bar Association Copyright © 2011. Periodical Postage paid at Butler, PA 16001. POSTMASTER: Please send address changes to: BUTLER COUNTY LEGAL JOURNAL, 201 South Main St, Ste 101, Butler, PA 16001.

**ESTATE 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. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay, to the executors or administrators or their attorneys named below.

-----

**FIRST PUBLICATION****Estate of: Grace M Bellora**

Late of: Pinellas County FL  
Ancillary Executor: Karen Moors  
279 Fern Lane  
East Brady PA 16028  
Attorney: Roger L Wise  
2593 Wexford Bayne Road  
Suite 206  
Sewickley PA 15143

**Estate of: Karan A Born**

**a/k/a: Karan Ann Born**

**a/k/a: Karan Born**

Late of: Clinton Township PA  
Executor: Lori L Thomas  
255 Victory Road  
Saxonburg PA 16056  
Attorney: Robert D Spohn  
277 Main Street  
POB 551  
Saxonburg PA 16056-0551

**Estate of: Robert J Greer**

Late of: Cranberry Township PA  
Executor: Theresa E Greer  
136 York Drive  
Cranberry Twp PA 16066  
Attorney: None

**Estate of: Sara Jane Harvey**

Late of: Cranberry Township PA  
Executor: James B Harvey  
508 Kandyce Dr  
Cranberry Twp PA 16066  
Attorney: None

**Estate of: Peter J Klein**

Late of: Adams Township PA  
Executor: Mary E Powell  
3269 Unionville Rd  
Cranberry Twp PA 16066  
Executor: Thomas F Klein

762 Sunset Circle  
Cranberry Twp PA 16066  
Attorney: Claire Johnson Saenz  
Krassenstein & Associates PC  
7500 Brooktree Road  
Wexford PA 15090

**Estate of: Harry Monnier**

Late of: Butler PA  
Executor: David C Allison  
3356 Saxonburg Blvd  
Pittsburgh PA 15238  
Attorney: Allan J Opsitnick  
Opsitnick & Associates  
564 Forbes Avenue #1301  
Pittsburgh PA 15219

**Estate of: Amy Ann Monteleone**

Late of: Butler PA  
Executor: Marcia A Cornibe  
333 Holyoke Road  
Butler PA 16001  
Attorney: Michael D Gallagher  
Murrin Taylor Flach Gallagher & May  
110 East Diamond Street  
Butler PA 16001

**Estate of: Eunice Baumgarten Nevins**

**a/k/a: Eunice B Nevins**

Late of: Center Township PA  
Administrator: Richard F Baumgarten  
5353 Richland Rd  
Gibsonia PA 15044  
Attorney: Gwilym A Price III  
129 South McKean St  
Butler PA 16001-6029

**Estate of: Frederick William Nickle**

Late of: Harmony PA  
Administrator DBN: Fritz Nickle  
111 Nickle Road  
Harmony PA 16037  
Attorney: J Lauson Cashdollar  
Cashdollar & Associates  
640 Fourth Street  
Beaver PA 15009

**Estate of: Daniel A Posney**

Late of: Sarver PA  
Administrator: Karen Thiry  
106 Kleylein Court  
Level Green PA 15085  
Attorney: Dorothy J Petrancosta  
POB 423  
Glenshaw PA 15116

**Estate of: Judith L Scovern**

Late of: Buffalo Township PA  
Executor: Donna Bart  
1523 Carlisle Street

Natrona Heights PA 15065  
Attorney: Charles B Hadad  
Feldstein Grinberg Stein & McKee  
428 Blvd of The Allies  
Pittsburgh PA 15219

**Estate of: Thomas C Supernovich**

Late of: Butler PA  
Administrator: John A Supernovich  
317 Euclid Avenue  
Glassport PA 15045  
Attorney: None

**Estate of: Shirley A Wright**

Late of: Cranberry Township PA  
Administrator: Robert B Wright Jr  
5183 Bear Run Road  
Cranberry Twp PA 16066  
Attorney: Mark A Criss  
Cranberry Professional Park  
501 Smith Dr Suite 5  
Cranberry Township PA 16066

**Estate of: James R Zeigler****a/k/a: James Robert Zeigler**

Late of: Zelienople PA  
Executor: Loretta Zeigler  
309 E Beaver Street  
Zelienople PA 16063  
Executor: James R Zeigler Jr  
112 Bassie Drive  
Zelienople PA 16063  
Attorney: Darla J Hancher  
101 North Green Lane  
Zelienople PA 16063

BCLJ: March 16, 23 & 30, 2012

-----

**SECOND PUBLICATION****Estate of: Donna Louise Arnoldi****a/k/a: Donna Louise Baiardo Arnoldi**

Late of: Zelienople PA  
Administrator: Karen G St Esprit  
303 Ridge Rd  
New Brighton PA 15066  
Attorney: Steven T Casker  
Lope Casker & Casker  
207 East Grandview Ave  
Zelienople PA 16063

**Estate of: Suzanne M Bauer**

Late of: Valencia PA  
Executor: William D Bauer  
205 Kayla Court  
Gibsonia PA 15044

Attorney: Mark Stadler  
Cohen Seglias Pallas Greenhall & Furman  
707 Grant St Gulf Tower 18th Fl  
Pittsburgh PA 15219

**Estate of: Harold L Bowers**

Late of: Jackson Township PA  
Executor: Brenda L Martin  
144 Browns Mill Road  
Evans City PA 16033  
Attorney: Darla J Hancher  
101 North Green Lane  
Zelienople PA 16063

**Estate of: Patricia Ann Cedel**

Late of: Mars PA  
Executor: James E Cedel  
1028 Sophia Lane  
Mars PA 16046  
Attorney: Larry J Puntureri  
2102 Wilmington Road  
New Castle PA 16105

**Estate of: Levaria Ruthine Freshcorn**

Late of: Evans City PA  
Executor: Zelda M Smith  
567 Allendale Road  
New Brighton PA 15066  
Executor: Richard L Smith  
567 Allendale Road  
New Brighton PA 15066  
Attorney: Michael W Nalli  
150 Pleasant Drive Suite 101  
Aliquippa PA 15001

**Estate of: George W Gerhardt****a/k/a: George William Gerhardt**

Late of: Cranberry Township PA  
Executor: BNY Mellon National Association  
500 Grant St Suite 3815  
Pittsburgh PA 15258  
Executor: Frederick B Elliott  
1208 Winterton Street  
Pittsburgh PA 15206  
Attorney: Frederick B Elliott  
1208 Winterton Street  
Pittsburgh PA 15206

**Estate of: Evelyn M Lynch**

Late of: Butler PA  
Executor: Sandra Anne Natchie  
548 Mercer Road  
Butler PA 16001  
Attorney: Richard R Morelli  
2654 Wilmington Road  
New Castle PA 16105

**Estate of: Helen Alice McKindree**

Late of: Butler PA  
Executor: Deborah Jean Eyberger

10 Timber Ridge Court  
Newark DE 19711  
Attorney: Mark R Morrow  
204 East Brady Street  
Butler PA 16001

**Estate of: Ella M May**

Late of: Butler PA  
Executor: M Dolores Wittmer  
112 Avon Drive  
Butler PA 16001  
Attorney: Michael D Gallagher  
Murrin Taylor Flach Gallagher & May  
110 East Diamond Street  
Butler PA 16001

**Estate of: Darryl A Miller**

Late of: Butler Township PA  
Administrator: Paul A Miller  
223 Decatur Drive  
Butler PA 16002  
Attorney: Mark R Morrow  
204 East Brady Street  
Butler PA 16001

**Estate of: Carrie E Oertel****a/k/a: Carrie Elizabeth Oertel**

Late of: Connoquenessing PA  
Executor: Douglas W Oertel  
PO Box 363  
Connoquenessing PA 16027  
Attorney: Mary Jo Dillon  
Dillon McCandless King  
Coulter & Graham LLP  
128 West Cunningham Street  
Butler PA 16001

**Estate of: Ella M Piccola****a/k/a: Ella Piccola**

Late of: Summit Township PA  
Administrator: Teresa Wood  
6315 Bartlett St  
Pittsburgh PA 15217  
Attorney: Robert J Stock  
PNC Bank Building Suite 603  
106 South Main Street  
Butler PA 16001

**Estate of: Brony Robeson**

Late of: Jefferson Township PA  
Executor: James T Robeson  
107 Twisted Stalk Drive  
Gaithersburg MD 20878  
Executor: Kenneth C Robeson  
422 Sun Mine Road  
Sarver PA 16056  
Attorney: Pamela H Walters  
277 Main Street POB 654  
Saxonburg PA 16056

**Estate of: Thomas J Rodgers**

Late of: Chicora PA

Executor: Pamlyn S Allen  
Po Box 279  
Harrisville PA 16038  
Attorney: Joseph E Kubit  
Montgomery Crissman  
Montgomery & Kubit LLP  
518 North Main Street  
Butler PA 16001

**Estate of: Herman W Rieck**

Late of: Middlesex Township PA  
Executor: Edward P Rieck  
114 Brownsdale Road  
Butler PA 16002  
Attorney: Paula J Willyard  
Heck Silbaugh  
1421 Pittsburgh St POB 224  
Valencia PA 16059

**Estate of: William A Smith**

Late of: Harrisville PA  
Executor: Richard A Smith  
4434 Pontiac St  
Erie PA 16511  
Executor: Andrea J Montgomery  
1042 Enterprise Rd  
Grove City PA 16127  
Attorney: Michael S Barr  
Barr & Shaffer  
701 N Hermitage Rd  
Hermitage PA 16148

**Estate of: Peter Spryn****a/k/a: Pete Spryn**

Late of: Center Township PA  
Administrator: Nickles Spryn  
1953 N Main Street  
Butler PA 16001  
Attorney: William C Robinson Jr  
6 West Diamond Street  
Butler PA 16001

**Estate of: Harold P Van Cott**

Late of: Cranberry Township PA  
Executor: Laurent B Van Cott  
Southern Design Group  
609 North Hepburn Ave Suite 204  
Jupiter FL 33458  
Executor: Anne C Van Cott  
1901 Louise Dr  
Glenshaw PA 15166  
Attorney: Emily E Diederich  
125 Technology Dr Suite 202  
Bailey Center I Southpointe  
Canonsburg PA 15317

BCLJ: Mar 9, 16 & 23, 2012

-----

**THIRD PUBLICATION****Estate of: Frank G Druda**

Late of: Butler PA  
Executor: Frances Mary Chuba  
240 Whitestown Village Apt E  
Butler PA 16001  
Attorney: Thomas J May  
Murrin Taylor Flach Gallagher & May  
110 East Diamond Street  
Butler PA 16001

**Estate of: Naomi J Girdwood**

Late of: Saxonburg PA  
Executor: Aylmer Girdwood III  
1002 Eddy Court  
Gibsonia PA 15044  
Attorney: Margaret C Abersold  
200 Hickory Lane  
Valencia PA 16059

**Estate of: Laura Rebecca Grabman**

Late of: Zelienople PA  
Executor: Pamela G Grabman  
1460 Turnberry Drive  
Boardman OH 44512  
Attorney: Katie M Casker  
Lope Casker & Casker  
207 East Grandview Avenue  
Zelienople PA 16063

**Estate of: Marilyn Ayers Hatch**

Late of: Mars PA  
Executor: Norman F Stephen  
605 Norman Drive  
Cranberry Twp PA 16066  
Executor: Patricia G Stephen  
605 Norman Drive  
Cranberry Twp PA 16066  
Attorney: Robert W Beilstein  
Goehring Rutter & Boehm  
2100 Georgetowne Drive Suite 300  
Sewickley PA 15143

**Estate of: Laura D McCormick**

Late of: Harmony PA  
Executor: Suzanne H Urlacher  
213 S Pittsburgh Street Apt 2  
Zelienople PA 16063  
Attorney: Douglas E Weinrich  
107 Irvine Street PO Box 810  
Mars PA 16046

**Estate of: Michael J Mershimer  
a/k/a: Michael Mershimer**

Late of: Mercer Township PA  
Administrator: Gilbert D Mershimer  
197 Golden Pond Lane  
Harrisville PA 16038  
Attorney: Richard E Filippi  
504 State Street Suite 200  
Erie PA 16501

**Estate of: Virginia A Namesnik**

Late of: Butler PA  
Executor: Michele L Pincek  
130 Hickory Street  
Butler PA 16001  
Executor: Kathleen M Thompson  
122 Pleasantview Ave  
Butler PA 16001  
Attorney: Mary Jo Dillon  
Dillon Mccandless King  
Coulter & Graham LLP  
128 West Cunningham Street  
Butler PA 16001

**Estate of: Ruth L Parker**

Late of: Cabot PA  
Executor: Donna G Campbell  
PO Box 2441  
Abingdon VA 24212  
Attorney: James H Limbaugh  
Miller Limbaugh & Conley  
4767 Rte 8  
Allison Park PA 15101

**Estate of: Virginia M Reott**

Late of: Butler Township PA  
Administrator: Rose Marie Green  
270 Conway Road  
Chicora PA 16025  
Administrator: Kathleen A Green  
4150 Cypress Street  
Butler PA 16001  
Attorney: Robert J Stock  
PNC Bank Building Suite 603  
106 South Main Street  
Butler PA 16001

**Estate of: Clair G Thoma**

Late of: Chicora PA  
Executor: Ronald C Thoma  
212 Fairmont Rd  
Chicora PA 16025  
Executor: Kathleen S Brown  
228 Haysville Rd  
Karns City PA 16041  
Attorney: Julie C Anderson  
Stepanian & Muscatello LLP  
222 S Main St  
Butler PA 16001

**Estate of: Florence Dorothy Werner**

Late of: Connoquenessing Township PA  
 Executor: Patrick A Werner  
 135 Williams Rd  
 Butler PA 16001  
 Attorney: None

BCLJ: Mar 2, 9 & 16, 2012

-----

**MORTGAGES**

February 20 - February 24, 2012

**1st name-Mortgagor****2nd name-Mortgagee**

**Adley, James J., III, aka, et al** - Agchoice Farm Cred ACA - Winfield Twp. - \$252,500.00  
**Aikens, William G., et al** - Citizens Bk of Pa - Cranberry Twp. - \$173,000.00  
**Avon, Steven M., et al** - North Districts Community Cred Un - Middlesex Twp. - \$148,084.82  
**Baker, Keith G., et al** - PNC Bk Natl Assn - Cranberry Twp. - \$25,000.00  
**Beach, Erik S., et al** - Mortgage Network Inc, et al - Buffalo Twp. - \$212,371.00  
**Beatty, Debra Wolf** - PNC Bk Natl Assn - Zelienople Borough - \$166,446.33  
**Blum, Stephen J., et al** - Mars Natl Bk - Adams Twp. - \$110,000.00  
**Boehler, Lisa** - Quicken Loans Inc, et al - Middlesex Twp. - \$85,648.00  
**Bonetti, Clinton A., et ux** - Dollar Bk Fed Sav Bk - Butler Twp. - \$113,300.45  
**Borza, Raymond, et al** - PNC Bk Natl Assn - Adams Twp. - \$200,000.00  
**Bouch, Elsie M.** - Northwest Sav Bk - Summit Twp. - \$10,000.00  
**Bouch, Elsie M.** - Northwest Sav Bk - Summit Twp. - \$78,000.00  
**Bowser, Carl Lynn, et al** - Armstrong Co Bldg & Loan Assn - Winfield Twp. - \$90,000.00  
**Bright, Eric L., et ux** - Huntington Natl Bk, et al - Center Twp. - \$260,000.00  
**Brown, Natalie M., et al** - First Niagara Bk NA - Cranberry Twp. - \$153,600.00  
**Cell Tower Lease Acquisition LLC, et al** - Deutsche Bk Trust Co Americas (easements) - Muddycreek Twp. - \$0.00  
**Cirillo, Paul F., et al** - Butler Armco Emp Cred Un - Center Twp. - \$70,587.59  
**Claypoole, Kenneth E., et ux** - Bank of America NA - Fairview Twp. - \$73,500.00  
**Coleman, David T.** - West Penn Fin Serv Ctr Inc, et al - Adams Twp. - \$264,000.00  
**Cox, Steven F., et al** - Mercer County State Bk - Adams Twp. - \$172,500.00

**Croll, DeWayne D., aka** - Huntington Natl Bk - Center Twp. - \$190,000.00  
**Cully, Ronald J., et al** - Northwest Sav Bk - Cranberry Twp. - \$50,000.00  
**Cunius, Chris** - Wells Fargo Bk NA - Cranberry Twp. - \$156,200.00  
**Daugherty, Jared L., et al** - First Niagara Bk NA - Butler City - \$204,750.00  
**DeLucia, Derek A., Sr., et al** - Northwest Sav Bk - Adams Twp. - \$108,000.00  
**Doerr, Burdette W., et al** - Liberty Bail Bonds, et al - Buffalo Twp. - \$50,000.00  
**Dorman, Angela** - Citizens Bk of Pa - Cranberry Twp. - \$28,187.00  
**Duncan, Earl W., et al** - PNC Bk Natl Assn - Middlesex Twp. - \$242,700.00  
**Dunning, Craig A., et al** - PNC Bk Natl Assn - Cranberry Twp. - \$150,000.00  
**Edwards, Paul A., et al** - Moonlight Cred Un - Clearfield Twp. - \$165,000.00  
**Erskine, Wesley A., et ux** - Bank of America NA, et al - Cranberry Twp. - \$233,000.00  
**Erwin, Carole A.** - First Natl Bk of Pa - Cranberry Twp. - \$12,529.52  
**Fierschnaller, Mark J., et ux** - Dollar Bk Fed Sav Bk - Franklin Twp. - \$100,000.00  
**Filges, Diane L., aka Cottone** - First Commonwealth Bk - Butler City, Wd. 5 - \$10,000.00  
**Fleeger, Bryan L., et ux** - Butler Armco Emp Cred Un - Fairview Twp. - \$114,400.00  
**Fogel, Scott D., et al** - Citizens Bk of Pa - Jefferson Twp. - \$25,000.00  
**Forker, Patricia A.** - Mortgage Network Inc, et al - Adams Twp. - \$62,200.00  
**Geagan, Cody C., et al** - Huntington Natl Bk, et al - Butler Twp. - \$119,000.00  
**Geibel, Randy C., et al** - PNC Bk Natl Assn - Butler Twp., Wd. 1 - \$11,000.00  
**Geibel, William J., et ux** - Dollar Bk Fed Sav Bk - Penn Twp. - \$223,000.00  
**Gibson, Barry D., et al** - PNC Mtg, aka - Seven Fields Borough - \$290,250.00  
**Gmys, Daniel P.** - First Niagara Bk NA - Cranberry Twp. - \$28,900.00  
**Halbleib, Michael D., et al** - Mars Natl Bk - Cranberry Twp. - \$25,000.00  
**Hanna, Daniel E., et ux** - First Commonwealth Bk - Buffalo Twp. - \$76,000.00  
**Hardt, Ralph E.** - Nextier Bk NA - Middlesex Twp. - \$324,000.00  
**Hart, Cary M., et al** - Washington Fin Bk - Adams Twp. - \$417,000.00  
**Hawkins, David F.** - PNC Bk Natl Assn - Adams Twp. - \$255,000.00  
**Henry, Bethanne M.** - Dollar Bk Fed Sav Bk - Buffalo Twp. - \$128,000.00  
**Hindman, Glenn R., et ux** - First Natl Bk of Pa - Mercer Twp. - \$27,200.00  
**Hlinka, Joseph R., et al** - PNC Bk Natl Assn

**President of Merten Distributing Co.:**  
Lien: \$10562.37; Atty – None: 12-20386;  
Commonwealth of PA - Dept Rev. vs. **Jeffrey P. Neely:** Lien: \$1119.39; Atty – None: 12-20383;  
Main Street Acquisition Corp vs. **Beth Nicklas:** Judgment: \$2386.52; Frederic I. Weinberg, Esq.: 12-20400;  
Vogel Disposal Service, Inc. vs. **Richard F. Osiecki, Sr.:** Transcript: \$598.35; Atty – None: 12-20394;  
Asset Acceptance LLC vs. **John W. Schrader:** Judgment: \$13132.31; Frederic I. Weinberg, Esq.: 12-20398;  
Sysco Corp, Sysco Pittsburgh, LLC vs. **Vision Restaurant Group, Inc., Vision Restaurant, Group, LLC, Prime Sirloin Restaurant, Brett W. Endress, Donald C. Delozier:** Judgment: \$143698.08; Christopher J. Davis, Esq.: 12-20399;  
Portfolio Recovery Associates LLC vs. **Margaret M. Wilson:** Judgment: \$2823.61; David J. Apothaker, Esq.: 12-20402;  
TD Bank, NA vs. **Robert H. Younkins and Linda A. Younkins:** Judgment/Possession: Mark A. Cronin, Esq.: 12-20395;;

---

### EXECUTIONS

Week ending March 9, 2012

1st Name-Plaintiff  
2nd Name-Defendant

Glen Eden Homes Association vs. **Allan Beechey:** 12-30055;  
Glen Eden Homes Association vs. **Lisa Davidson:** 12-30056;  
Midland Funding LLC vs. **James E. Porter and PNC Bank National Association, Garnishee:** 12-30057;;

---

### DIVORCES

Week ending March 9, 2012

1 st Name-Plaintiff  
2nd Name-Defendant

Aaron E. Bergbigler vs. **Leslie D. Bergbigler:**  
Jennifer L. Gilliland Vanasdale, Esq.: 12-90153;  
Michael Divoky vs. **Amy Divoky:** Atty – None: 12-90158;  
Felicia M. Giger vs. **Sylvan H. Giger, Jr.:**  
Gerri V. Paulisick, Esq.: 12-90151;  
Robert Michael Hamilton vs. **Krystle Lynn**

**Hamilton:** Atty – None: 12-90150;  
William E. Hudanick vs. **Marilou Hudanick:**  
Atty – None: 12-90155;  
Kimberly A. Milko vs. **James R. Milko:**  
Matthew E. Fischer, Esq.: 12-90147;  
Kenneth C. Minnear vs. **Elizabeth S. Minnear:** Atty – None: 12-90143;  
Tracy Schultz vs. **Scott Schultz:** Michael F. Santicola, Esq.: 12-90145;  
Judith K. Shoemaker vs. **Barry J. Shoemaker:** Maria A. Imbarlina, Esq.: 12-90149;

---

### LEGAL NOTICE

WILLIAM A. SMITH, late of Harrisville, Butler County, PA, died on December 25, 2011. During his lifetime, the decedent established The William A. Smith Revocable Trust Agreement Dated February 7, 2001 of which Richard A. Smith and Andrea J. Montgomery are the surviving Successor Co-Trustees. All persons having claims or demands against the estate of the decedent should make known and present the same without delay, and all persons indebted to the decedent should make payment without delay to:

Richard A. Smith  
4434 Pontiac Street  
Erie, PA 16511

Andrea J. Montgomery  
1042 Enterprise Road  
Grove City, PA 16127

Michael S. Barr, Esquire  
BARR and SHAFFER  
701 North Hermitage Road, Suite 20  
Hermitage, PA 16148

BCLJ: March 9, 16 & 23, 2012



**LEGAL NOTICE****IN THE COURT OF COMMON  
PLEAS OF BUTLER COUNTY  
COMMONWEALTH OF PENNSYLVANIA**

CIVIL DIVISION  
G.D. No. 11-11207  
LEGAL NOTICE

THOMAS EALY, JR. and TONYA EALY, husband and wife, individually and on behalf of similarly situated persons; and WARREN PARKER and PATRICIA PARKER, husband and wife, individually and on behalf of similarly situated persons,

Plaintiffs,

v.

**INDSPEC CHEMICAL CORPORATION, a Delaware Corporation; OCCIDENTAL PETROLEUM CORPORATION, a Delaware Corporation; OCCIDENTAL CHEMICAL CORPORATION, a New York Corporation; and OXY, INC., a Delaware Corporation,**

Defendants.

PLEASE READ THIS NOTICE CAREFULLY IT MAY AFFECT YOUR RIGHTS IF YOU ARE A PERSON WHO FITS THE DESCRIPTION BELOW.

ATTENTION: THIS NOTICE PROVIDES A SUMMARY OF A PROPOSED CLASS ACTION SETTLEMENT AND EXPLAINS YOUR POSSIBLE RIGHT TO RECOVER MONEY AS A RESULT OF A PROPOSED CLASS ACTION SETTLEMENT. YOU MAY BE A MEMBER OF THE PROPOSED SETTLEMENT CLASS. THE PURPOSE OF THIS SUMMARY IS TO PROVIDE YOU WITH NOTICE HOW YOU CAN PARTICIPATE IN THE PROPOSED SETTLEMENT OR EXCLUDE YOURSELF FROM THE SETTLEMENT. ALSO, THIS SUMMARY ADVISES YOU, IF YOU HAVE NOT RECEIVED A NOTICE OF CLASS ACTION SETTLEMENT, HOW TO DETERMINE WHETHER YOU MAY BE ELIGIBLE TO RECEIVE SUCH A NOTICE AND PARTICIPATE IN THE PROPOSED CLASS ACTION SETTLEMENT.

TO BE ELIGIBLE TO RECEIVE A SHARE OF THE PROPOSED SETTLEMENT, THE HEAD OF HOUSEHOLD OF YOUR RESIDENCE AS OF OCTOBER 11, 2008

MUST FILL OUT AND RETURN A PROOF OF CLAIM FORM SO IT IS POSTMARKED BY APRIL 12, 2012. ONLY ONE PROOF OF CLAIM FORM MAY BE SUBMITTED FOR A HOUSEHOLD, INCLUDING ALL RESIDENTS OF THE HOUSEHOLD AS OF OCTOBER 11, 2008.

IF YOUR HEAD OF HOUSEHOLD, OR ANOTHER RESIDENT OF YOUR HOUSEHOLD, DOES NOT RETURN A PROOF OF CLAIM FORM OR A REQUEST FOR EXCLUSION BY THE ABOVE DEADLINE AND THE COURT APPROVES THE SETTLEMENT, YOU AND THE OTHER MEMBERS OF YOUR HOUSEHOLD WILL BE BOUND BY THE TERMS OF THE SETTLEMENT, BUT YOU WILL NOT RECEIVE ANY MONEY UNDER THE SETTLEMENT.

THIS SUMMARY CONTAINS IMPORTANT DATES AND DEADLINES. STRICT COMPLIANCE WITH THESE DATES AND DEADLINES IS ABSOLUTELY REQUIRED.

**PLEASE READ THIS SUMMARY CAREFULLY.****1. WHAT THE CASE IS ABOUT**

Thomas Ealy, Jr. and Tonya Ealy, husband and wife, and Warren Parker and Patricia Parker, husband and wife, have filed a class action lawsuit against the Defendants seeking various damages resulting from a alleged chemical release at the Indspec Chemical Corporation facility located in Petrolia, Pennsylvania on October 11, 2008.

Generally, in the action, the Named Plaintiffs allege, on their own behalf and on a class-wide basis, that they incurred various damages as a result of the alleged chemical release including the necessity to evacuate from, or shelter-in-place at, their residential dwellings, the temporary loss of use of their residential dwellings, inconvenience and other related damages. Defendants deny all of the allegations in the action and deny any wrongdoing or liability of any kind pertaining to the Alleged Incident. Nevertheless, subject to court approval, the parties have agreed to settle the action, and all claims arising from or relating to the Alleged Incident, to avoid the risks, costs, and delays associated with further litigation. Nothing contained in this Notice, nor the consummation of the parties' settlement, is to be deemed an admission of liability, culpability, negligence or wrongdoing



by Defendants.

## 2. ARE YOU AFFECTED

You are eligible to make a claim under this proposed settlement if you, or any natural person claiming by, through or under you, resided in a residential dwelling in the "Evacuation Zone" and were physically present in the residential dwelling on or after 3:00 p.m. on October 11, 2008 and evacuated or sheltered-in-place due to the Alleged Incident or you, and any natural person claiming by, through or under you, resided in a residential dwelling in the Evacuation Zone, but were outside of the Evacuation Zone on or after 3:00 p.m. on October 11, 2008 and were temporarily prevented from returning to your residential dwelling due to the Alleged Incident.

The "Evacuation Zone" is defined as follows:

The Evacuation Zone shall include all households within the borough boundary lines for the Boroughs of Petrolia, Fairview, Karns City and Bruin, Butler County, Pennsylvania.

The Evacuation Zone shall also include, which shall be inclusive of the above-referenced Boroughs, those households within the area in Butler County, Pennsylvania bordered by, or located on, the following roads and boundaries: From the southern borough boundary line for Karns City south on Highway 268 to Pine Road; east on Pine Road to Butternut Road; south on Butternut Road to the Butler/Armstrong County line; north along the Butler/Armstrong County line to State Route 1004; west on State Route 1004 to the Bruin Borough boundary line; north from the northern boundary line for Bruin Borough to Bruin Road (State Route 1004); west on Bruin Road (State Route 1004) to Fairview Road (State Route 1006); northwest on Fairview Road (State Route 1006) to the intersection of Highways 38 and 138; west on Highway 138 to Bell Road; south on Bell Road to Christie Road; southeast on Christie Road to Wright Road; south on Wright Road to Hooker Road (State Route 1010); and east on Hooker Road (State Route 1010) to the western borough boundary for Karns City Borough.

TO RECEIVE A SHARE OF THE NET SETTLEMENT SUM, YOUR HEAD OF HOUSEHOLD MUST SUBMIT A FULLY COMPLETED AND TIMELY PROOF

OF CLAIM FORM, AND RETURN THE PROOF OF CLAIM FORM TO THE CLAIMS ADMINISTRATOR POSTMARKED BY NO LATER THAN APRIL 12, 2012 .

## 3. YOUR RIGHTS AS A MEMBER OF THE PROPOSED SETTLEMENT CLASS.

If you are a member of the Proposed Settlement Class, you and the other members of your Household have various options under the proposed settlement, each of which is discussed below. You and the other members of your Household may: (a) remain in the Settlement Class and claim money under the settlement; (b) remain in the Settlement Class and object to the settlement; (c) remain in the Settlement Class and do nothing; or (d) exclude yourself from the Settlement Class and from the settlement ("Opt-Out"). If you remain in the Settlement Class and either claim money under the settlement or do nothing (options A and C), you will be represented at no cost to yourself by the following "Class Counsel":

William J. Schenck, Esq.  
Schenck & Long Attorneys At Law  
610 North Main Street  
Butler, PA 16001; t  
Tel: (724) 283-7359

Roger W. Orlando, Esq.  
The Orlando Firm P.C.  
W. Ponce de Leon Avenue  
Suite 400, Decatur Court  
Decatur, GA 30030  
Tel: (404) 373-1800

M. David Karnas, Esq.  
Bellovin & Karnas, P.C.  
131 E. Broadway Boulevard  
Tucson, AZ 85701  
Tel: (520) 571-9700

J. Michael Malone, Esq.  
Hendren & Malone, PLLC  
4600 Marriott Drive, Suite 150  
Raleigh, NC 27612  
Tel: (919) 573-1423

Class Counsel cannot represent you if you choose to object to any aspect of the settlement. You may retain counsel at your own expense to represent you if you wish.

4. To Claim Money Under the Settlement: If you and the other members of your Household wish to remain in the Settlement Class and claim money under the settlement,

you must submit a Proof of Claim Form and timely submit your Proof of Claim to the "Claims Administrator" at the following address:

Ealy Class Action Litigation  
c/o William J. Schenck, Esq.  
Schenck & Long Attorneys At Law  
610 North Main Street  
Butler, PA 16001  
Tel: (866) 283-7359.

If you or someone in your family resided in a residential dwelling within the Evacuation Zone as described here but you did not receive a detailed Notice of Class Action Settlement in the mail along with a Proof of Claim Form, you may still be a class member. To seek to include yourself in the action and the settlement, you may obtain the forms at [www.petroliaclasssettlement.com](http://www.petroliaclasssettlement.com) or by calling the Claims Administrator at (866) 283-7359.

**YOUR PROOF OF CLAIM FORM MUST BE POSTMARKED NOT LATER THAN APRIL 12, 2012.** If your Proof of Claim Form is not postmarked by that date, you and the other members of your Household will not receive any payment, but you will be bound by the release and all other terms of the Settlement Agreement. If the Proof of Claim Form is sent from within United States, it must be sent through the United States Postal Service by first class U.S. mail or the equivalent. Do not use a postage meter because that may not result in a postmark appearing on the envelope containing your Proof of Claim Form.

**5. To Object to the Proposed Settlement.** If you and the other members of your Household do not exclude yourself from the settlement, but you do disagree with any part of the proposed settlement, you may object to the proposed settlement. To object, you must file a written objection that clearly explains the basis for your objection and file that objection with the Prothonotary for the Court of Common Pleas of Butler County, Pennsylvania, Butler County Courthouse, 124 West Diamond Street, Butler, Pennsylvania 16001, on or before APRIL 12, 2012 with copies to the following:

LIAISON FOR CLASS COUNSEL  
Roger Orlando  
The Orlando Firm P.C.  
W. Ponce de Leon Avenue

Suite 400, Decatur Court  
Decatur, GA 30030;  
Tel: (404) 373-1800  
Fax: (404) 373-6999

COUNSEL FOR DEFENDANTS  
Joel L. Lennen  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219  
Tel: (412) 566-6000  
Fax: (412) 566-6099

CLAIMS ADMINISTRATOR  
Ealy Class Litigation  
c/o William J. Schenck, Esq.  
Schenck & Long Attorneys At Law  
610 North Main Street  
Butler, PA 16001  
Tel: (866) 283-7359

**6. Doing Nothing:** As previously set forth above, if you do nothing and do not timely submit a Proof of Claim Form and the Court approves the proposed settlement, you will be bound by the terms of the Settlement Agreement, but you will not receive any money under the settlement.

**7. To Exclude Yourself from the Proposed Settlement:** If you do not wish to participate in the settlement, you and the other member of your Household may Opt-Out by filling out and returning a Request for Exclusion form to the Claims Administrator at the address listed above. To be valid, the Request for Exclusion must be postmarked no later than April 12, 2012.

If you did not yet receive a Request For Exclusion form in the mail, mailed with along with a Proof of Claim Form, you may still be a class member. To seek to include yourself in the action and the proposed settlement, you may obtain the forms at [www.petroliaclasssettlement.com](http://www.petroliaclasssettlement.com) or by calling the Claims Administrator at 1-866-283-7359.

#### **8. Final Fairness Hearing**

The Court will hold a Final Fairness Hearing on June 29, 2012 at 9:00 a.m. to determine whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate. At the hearing, the Court will also be asked to approve Class Counsel's request for attorney's fees, litigation expenses and the Enhanced Awards to the Settling Named Plaintiffs. The Court is located at Butler County Courthouse, 124 West

Diamond Street, Butler, Pennsylvania 16001. The hearing may be conducted without further notice to the members of the proposed Settlement Class. YOU ARE NOT REQUIRED TO APPEAR AT THE HEARING.

9. ADDITIONAL INFORMATION

The basic terms of the proposed settlement are set forth in this Notice of Class Action Settlement. Note, however, that the Notice is not the Settlement Agreement, which sets forth the parties' rights and obligations, but the Notice is only a summary of the Settlement Agreement. If there is any inconsistency between the Notice, or this summary, and the Settlement Agreement, the Settlement Agreement shall control and govern. For the precise terms and conditions of the Settlement Agreement, you should consult the Joint Stipulation of Class Action Settlement and Release, which is available online at <http://www.petroliaclassesettlement.com>. If you have any questions about the Settlement Agreement, you may contact the Claims Administrator by telephone at 1-866-283-7359. PLEASE DO NOT TELEPHONE THE COURT ABOUT THIS NOTICE.

10. REMINDER ABOUT TIME LIMITS

PLEASE NOTE THAT THE DEADLINE FOR FILING A PROOF OF CLAIM FORM, AND THE DEADLINE FOR FILING A REQUEST FOR EXCLUSION OR AN OBJECTION TO THE SETTLEMENT AGREEMENT IS APRIL 12, 2012.

By order of:

Court

DO NOT CONTACT THE COURT

BCLJ: March 9 & 16, 2012

-----

**CERTIFICATE OF ORGANIZATION  
LIMITED LIABILITY COMPANY**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania on February 21, 2012, for a Limited Liability Company formed under the Limited Liability Company Law of 1994. The name of the Company is **Peaceful Valley Campground LLC**.

MONTGOMERY, CRISSMAN,  
MONTGOMERY, KUBIT, L.L.P.  
David A. Crissman, Esquire  
518 North Main Street  
Butler, PA 16001  
(724) 285-4776

BCLJ: March 16, 2012

-----

**CERTIFICATE OF ORGANIZATION  
LIMITED LIABILITY COMPANY**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania on February 21, 2012, for a Limited Liability Company formed under the Limited Liability Company Law of 1994. The name of the Company is **The Primal Athlete LLC**,

MONTGOMERY, CRISSMAN,  
MONTGOMERY, KUBIT, LLP,  
David A Crissman, Esquire  
518 North Main Street  
Butler, PA 16001  
(724) 285-4776

BCLJ: March 16, 2012

-----

**CERTIFICATE OF ORGANIZATION  
LIMITED LIABILITY COMPANY**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania on February 13, 2012, for a Limited Liability Company formed under the Limited Liability Company Law of 1994. The name of the Company is **CarCo LLC**.

MONTGOMERY, CRISSMAN,  
MONTGOMERY, KUBIT, L.L.P.  
David A. Crissman, Esquire  
518 North Main Street  
Butler, PA 16001  
(724) 285-4776

BCLJ: March 16, 2012

-----