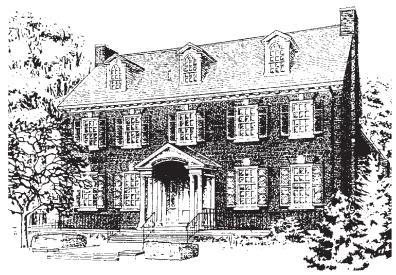
$Lehigh \ Law \ Journal \\ _{\text{(USPS 309560)}}$

Vol. LX

Allentown, PA Friday, February 17, 2023

No. 34



Barristers' Club

The Bar Association of Lehigh County

1114 W. Walnut Street Allentown, Pennsylvania 18102 http://www.lehighbar.org

THE COURT

The Hon. J. Brian Johnson, President Judge
The Hon. Robert L. Steinberg, Judge
The Hon. James T. Anthony, Judge
The Hon. Michele A. Varricchio, Judge
The Hon. Douglas G. Reichley, Judge
The Hon. Anna-Kristie M. Marks, Judge
The Hon. Thomas M. Caffrey, Judge
The Hon. Thomas A. Capehart, Judge
The Hon. Zachary J. Cohen, Judge
The Hon. Carol K. McGinley, Senior Judge
The Hon. Kelly L. Banach, Senior Judge
The Hon. Edward D. Reibman, Senior Judge

LEHIGH LAW JOURNAL (USPS 309560)

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The Law Journal makes no representation as to the quality of services offered by any advertiser in this publication.

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The Lawyers Lunch Table

A treasured tradition is returning for all Lawyers and Judges. There is a standing reservation for lunch at the newly renovated Historic Americus Hotel, 555 Hamilton St., Allentown, on the 2nd Thursday of the month, 12 P.M. Please come out and enjoy some camaraderie with other colleagues.



Americus Hotel, a Trademark Collection by Wyndham Where History Meets Modern Hospitality

On Street or Deck Parking Nearby

The BALC Facebook page is updated regularly with meeting reminders and event notices, and includes photo albums, discussion boards, links, and much more. "Like" us at www.facebook.com/BarAssociationLehighCounty

Bar Association of Lehigh County Holiday Assistance Drive 2022-2023

Dear Bar Association Member,

The Bar Association of Lehigh County has started the Annual Ask for the Lehigh County Lawyers' Charitable Fund Grant.

We are proud to remind all lawyers that the Bar Association of Lehigh County has conducted an Assistance Program to benefit area 501c3 organizations to provide much needed assistance to our surrounding communities for many years. This program has raised over \$280,000 throughout that time and distributed these funds to many deserving area organizations.

This year to assist these organizations, we are asking each lawyer to give generously to help support those in our local community. Remember, these contributions stay in the Greater Lehigh Valley area.

The Program is administered through the Lehigh Valley Community Foundation and all gifts are tax deductible to the fullest extent of the law.

We will recognize all those nonprofit organizations receiving funds as part of our Community Service Cocktail celebration in June.

Past years' contributions went to the Crime Victims Council of the Lehigh Valley, Dream Come True, The Lehigh Valley Zoo, Community Bike Works, The Victory House, Angel 34, Miracle League of the Lehigh Valley and many more.

Please help by sending your check today, payable to the Lehigh Valley Community Foundation and mail to:

Lehigh County Lawyers' Charitable Fund Grant Lehigh Valley Community Foundation 840 West Hamilton Street, Suite 310 Allentown, PA 18101

or go to www.lehighbar.org for credit card donations

Thank you for your generous donation!

Kristin Noonan, Esquire Community Service Committee, Chair Ray Bridgeman Executive Director, BALC

12-23-3-3

"YLD" Happy Hour

Thursday, February 23rd 5:30 P.M.-7:30 P.M.



Come see the **Barristers' Club** transformed into a Mini Campground!

Roasted Hot Dogs

Mozzarella Stix & Fries

"Egg Roll" Bar

"Smores Station"

"ADULT" Root Beer Floats, Cash Bar

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All "YLD Members" will receive a FREE drink ticket

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2-10, 17

ESTATE OF PATTERSON vs. PennDOT

Wrongful Death—Sovereign Immunity.

Lance Patterson, administrator of the Estate of Rachel Patterson, filed a wrongful death action against 18 defendants, including the Pennsylvania Department of Transportation ("PennDOT"), after Rachel died in an accident on Race Street in Hanover Township. Patterson alleged that there was a non-functional pedestrian crossing sign at the time of the accident. PennDOT filed Preliminary Objections, arguing that Patterson's complaint did not conform with the Sovereign Immunity Act, and that the Act only waives claims for negligence.

Sovereign Immunity is a complete defense unless expressly waived by the Commonwealth. A plaintiff can defeat sovereign immunity by establishing a cause of action that falls within the exceptions to the Act. Sovereign immunity is waived if the agent's negligence creates a dangerous condition. Claims based on failure to act are barred. Sovereign immunity is only waived for negligence claims; not for carelessness, recklessness, or willful indifference

The Court sustained PennDOT's preliminary objections in part and overruled them in part. Patterson had established a cause of action and the averments of the complaint fell under the Real Estate Exception to the Sovereign Immunity Act. Allegations of PennDOT's failure to act, and any averments related to carelessness, recklessness, and willful indifference, were stricken.

In the Court of Common Pleas of Lehigh County, Pennsylvania—Civil Division. No. 2022-C-0060. Estate of Rachel Patterson a/k/a Rachel Patterson, Deceased, by and Through Lance Patterson, Administrator, Plaintiff vs. Commonwealth of Pennsylvania Department of Transportation et al., Defendants.

RAYMOND TARNOWSKI, ESQUIRE and KATHLEEN M. PETRONE, ESQUIRE, on behalf of the Plaintiff.

SUSAN L. DIGIACOMO, ESQUIRE, on behalf of the Defendant Pennsylvania Department of Transportation.

MEMORANDUM OPINION

JOHNSON, *P.J.*, August 22, 2022.

I. Introduction

Before the Court for consideration are Defendant's, Commonwealth of Pennsylvania, Department of Transportation ("PennDOT"), Preliminary Objections to Plaintiff's Second Amended Complaint filed March 30, 2022, and the Plaintiff's Response in Opposition to Defendant Commonwealth of Pennsylvania, Department of Transportation's Preliminary Objections to Plaintiff's Second Amended Complaint filed April 11, 2022, ("Plaintiff").

On December 10, 2020, Rachael Patterson was struck and killed by a motor vehicle while crossing the intersection of Race Street and Cascade Drive located in Hanover Township, Lehigh County. At the time of Patterson's death, Race Street was undergoing a road-widening project to widen the road from two (2) lanes to five (5) lanes.

Plaintiff Lance Patterson ("Plaintiff") was appointed Administrator of the Estate of Rachael Patterson ("Decedent") on March 10, 2021, by the Clerk of Judicial Records, Register of Wills Division of Lehigh County, Pennsylvania. Plaintiff brings this action pursuant to 42 Pa. C.S.A. §8301 and Pa. R.C.P. 2202(a) as the personal representative of Decedent on her behalf and on behalf of all those entitled by law to recover damages for the wrongful death of Decedent. In addition, Plaintiff brings this action on behalf of Decedent's estate pursuant to 20 Pa. C.S.A. §3373 and 42 Pa. C.S.A. §8302 for damages suffered by the estate as a result of Decedent's death.

PennDOT argues in its preliminary objections that the Plaintiff's Second Amended Complaint must meet both prongs of the Sovereign Immunity Act and fails to do so as a matter of law on the face of the complaint. As such, PennDOT requests that Plaintiff's Second Amended Complaint be dismissed as a matter of law as to PennDOT.

PennDOT also argues that the Sovereign Immunity Act only waives claims for negligence and not carelessness, recklessness, and willful indifference. As such, PennDOT requests that all allegations of carelessness, recklessness, and willful indifference be stricken from Plaintiff's Second Amended Complaint as to PennDOT.

This is a wrongful death action. Plaintiff instituted suit against PennDOT¹ on January 10, 2022 by filing a Complaint in the Court of Common Pleas of Lehigh County. Plaintiff filed an Amended Complaint on February 7, 2022. Plaintiff filed a Second Amended Complaint on March 15, 2022. This matter is currently proceeding through discovery and a jury trial is set for May 22, 2023.

 $^{^{\}mathrm{I}}$ There are seventeen (17) additional defendants named in Plaintiff's Second Amended Complaint.

II. Issues Presented

A. Whether Plaintiff Has Failed to Aver a Common Law or Statutory Cause of Action as Required Under the First Prong of the Sovereign Immunity Act?

B. Whether Plaintiff Has Failed to State a Cause of Action That Falls Within One of Ten Enumerated Exceptions as Required Under the Second Prong of the Sovereign Immunity Act?

C. Whether the Sovereign Immunity Act Only Waives Claims for Negligence—Not Carelessness, Recklessness, or Willful Indifference?

III. Discussion

A. Whether Plaintiff Has Failed to Aver a Common Law or Statutory Cause of Action as Required Under the First Prong of the Sovereign Immunity Act?

The Commonwealth of Pennsylvania, and its parties, are immune from civil suit for tort liability unless specifically waived. 42 Pa. C.S. §\$521(a), 8522(a). A Commonwealth party is any Commonwealth agency or employee who is acting within the scope of his office or employment. 42 Pa. C.S. §8501. PennDOT is an administrative agency of the Commonwealth and is a Commonwealth party pursuant to 42 Pa. C.S. §8501. Quinones v. Dept. of Transp., 45 A.3d 467, 469 (Commw. Ct. 2012). Commonwealth agencies, including PennDOT, generally are immune from tort liability pursuant to 42 Pa. C.S. §8521(a). *Id.*, (citing Cowell v. Dept of Transp., 883 A.2d 705, 708 (Commw. Ct. 2005)). Sovereign immunity is available to PennDOT as a defense in all actions except when the Commonwealth has expressly waived it. Quinones, at 469 (citing Powell v. Drumheller, 653 A.2d 619, 621 (Pa. 1995)).

A plaintiff can defeat sovereign immunity only by establishing a common law or statutory cause of action under which damages could not be recoverable if not for the immunity defense. 42 Pa. C.S.A. § 8522(a). The elements of negligence are the defendant's duty or obligation recognized by law; a breach of that duty; a causal connection between the Defendant's conduct and the resulting injuries; and actual damages. Talarico v. Bonham, 650 A.2d 1192, 1194 (Commw. Ct. 1994).

75 Pa. C.S.A. §6122(a) states "[t]he department of State-designated highways and local authorities on any highways within their boundaries may erect official traffic control devices ... " §6122(a) has been interpreted by the Pennsylvania Commonwealth Court as granting discretionary authority on the Commonwealth and its parties to install traffic-control devices with there being no duty on the part of the Commonwealth or its parties to exercise that authority. Majestic by Majestic v. Dept. of Trans., 601 A.2d 386, 389 (Commw. Ct. 1991).

Plaintiff avers in paragraph twenty-seven (27) of his Second Amended Complaint that Race Street is a state road for which PennDOT is responsible. Plaintiff avers in paragraph thirty-three (33) that the pedestrian crossing sign at the intersection of Race Street and Cascade Drive was equipped with four (4) inoperable flashing yellow lights that were covered at the time the Decedent was struck and killed by a motor vehicle.

By installing a pedestrian crossing sign on Race Street, PennDOT assumed a duty to pedestrians to ensure that the pedestrian crossing sign was functional and fit for its intended purpose which presumably was to ensure that pedestrians could safely cross Race Street and to alert motor vehicle traffic to the potential presence of pedestrians on Race Street. A failure to ensure the pedestrian crossing sign was fit for its intended purpose would be a breach of PennDOT's duty which allegedly caused the Decedent's injuries and resulted in her death. As such, the Plaintiff has identified an action in negligence in that PennDOT allegedly failed to properly install the pedestrian crossing sign at Race Street, or allegedly failed to properly maintain the pedestrian crossing sign at Race Street and has satisfied the first prong for defeating PennDOT's defense of sovereign immunity. Therefore, Plaintiff has not failed to aver a common law or statutory cause of action as required under the first prong of the Sovereign Immunity Act.

B. Whether Plaintiff Has Failed to State a Cause of Action That Falls Within One of Ten Enumerated Exceptions as Required Under the Second Prong of the Sovereign Immunity Act?

Once a plaintiff has identified a common law or statutory cause of action, the plaintiff must carry his burden of demonstrating that the negligent act falls within one (1) of ten (10) enumer-

ated exceptions to sovereign immunity. 42 Pa. C.S.A. §8522((b); Donnelly v. SEPTA, 708 A.2d 145, 147 (Commw. Ct. 1998). The intent of the Pennsylvania General Assembly is to insulate the Commonwealth and its parties from tort liability with the result being that the ten (10) exceptions to sovereign immunity must be given strict construction in their interpretations. See Kiley v. City of Philadelphia, 645 A.2d 184, 185-86 (Pa. 1994). Whether an action is barred by sovereign immunity is entirely a matter of law. Cowell v. Dept. of Transp., 883 A.2d 705, 708 (Commw. Ct. 2005).

The Plaintiff has fashioned his cause of action into 42 Pa. C.S.A. $\S8522(b)(4)$ Commonwealth real estate, highways, and sidewalks, which reads: "[a] dangerous condition of Commonwealth agency real estate, and sidewalks, including Commonwealth owned real property, leaseholds in the possession of a Commonwealth agency and Commonwealth-owned real property leased by a Commonwealth agency to a private persons and highways under the jurisdiction of a Commonwealth agency" $\S8522(b)(4)$ is colloquially known as the Real Estate Exception to the Sovereign Immunity Act.

The phrase "dangerous condition" in §8522(b)(4) has been interpreted to mean a "dangerous condition deriv[ing] from, originat[ing] from or having as its source the Commonwealth realty." Cowell, at 709. §8522(b)(4) can only apply when the alleged artificial condition or defect of the land itself caused an injury to occur, not when it merely facilitates injuries by the acts of others. *Id.* The absence of a condition cannot be said to be either an artificial condition or a defect in the land itself. Dean v. Dept. of Transp., 751 A.2d. 1130, 1134 (Pa. 2000) (citing Synder v. Harmon, 562 A.2d 307, 312-13 (Pa. 1989). A Commonwealth agency owes a duty of care to those using its real estate as to require the condition of the property be safe for the activities of regular use, intended use, or reasonably foreseeable usage. Synder, 562 A.2d at 312. When a Commonwealth agency installs an item as part of its real estate, the defense of sovereign immunity is waived if the agency's negligent installation and design creates a dangerous condition. Cagey v. Commonwealth, 179 A.3d 458, 467 (Pa. 2018).

In Wise v. Huntingdon County Housing Development Corporation, the Pennsylvania Supreme Court held that the position-

ing of a light pole and tree in relation to a sidewalk on the Defendant Housing Authority of Huntingdon County's property constituted a dangerous condition that resulted from a "defect in the property or in its construction, maintenance, repair, or design," and fell within the real estate exception to sovereign immunity of \$8522(b)(4). Wise, 249 A.3d 506, 518 (Pa. 2021) (quoting Jones v. SEPTA, 772 A.2d 435, 444 (Pa. 2001)). The Court emphasized that Wise was not merely asserting that the absence of a condition caused her injuries, but instead that insufficient artificial lighting existed on the Commonwealth realty as attributed to the arrangement of the sidewalk, pole light, and tree, which were all part of the real property. Wise, at 518.

The Plaintiff's cause of action is analogous to Wise to the extent that the Plaintiff avers that a pedestrian crossing sign located on Race Street, for which the Plaintiff avers PennDOT is responsible, was not functioning and therefore created an artificial condition or amounted to a defect of the land itself which resulted in a dangerous condition pursuant to the real estate exception of §8522(b)(4).

Common sense indicates that Race Street's intended regular use, as a state highway, is to accommodate motor vehicle traffic. By placing a pedestrian crossing sign on Race Street, PennDOT also presumably intended that Race Street be used as a pedestrian crossing due to the placement of a Lehigh and Northampton Transit Authority bus stop on the southbound shoulder of Race Street. If the pedestrian crossing sign was not functioning, as Plaintiff avers in his Second Amended Complaint, then the pedestrian crossing sign could not have served its intended purpose of facilitating the safe crossing of pedestrians across Race Street while alerting motor vehicle drivers to the potential presence of pedestrians crossing Race Street. The Plaintiff is not alleging an absence of a condition caused the decedent's injuries. As such, averment b., failure to install operating pedestrian crossing signage and lights, as it pertains to PennDOT, must stand.

The remaining averments in Count II of the Plaintiff's Second Amended Complaint: a., c., d., e., f., g., h., i., j., k., and l. allege a failure of PennDOT to act, which implies the absence of a condition. The Pennsylvania Commonwealth Court has consistently held

that the failure of a Commonwealth agency to act is an action, and not a defect that is derived or has its origins within the Commonwealth realty, and, claims based on a failure to act are thus barred by sovereign immunity. See, e.g., Crosby v. Kotch, 580 A.2d 1191, 1193 (Commw. Ct. 1991); Conrail v. Ingersol-Rand Corp., 408 A.2d 183, 186 (Commw. Ct. 1979); Shakoor v. Dept. of Transp., 440 A.2d 647, 649 (Commw. Ct. 1981). As such, averments a., c., d., e., f., g., h., i., j., k., and l. must be stricken from the Plaintiff's Second Amended Complaint.

It is well-established under Pennsylvania law that customary methods and industry standards, although admissible as evidence in negligence cases, do not furnish a conclusive test on the question of negligence for which a defendant "could be adjudged guilty of negligence on the basis of any established standard of care." See McAdoo v. Autenreith's Dollar Stores, 109 A.2d 156, 158-59 (Pa. 1954). As such, averments m., n., o., p., q., r., through s. in Count II of Plaintiff's Second Amended Complaint must be stricken as they pertain to PennDOT.

In keeping with the mandate that the exceptions to sovereign immunity must be given strict construction in their interpretation, the Plaintiff has carried his burden of identifying an artificial condition in the form of an allegedly non-functioning pedestrian crossing sign, with its origins inside Race Street, a highway allegedly under the control of PennDOT, as causing the Decedent's injuries. The Plaintiff's cause of action falls within the real estate exception to \$8522(b)(4). Whether the alleged non-functioning pedestrian crossing sign amounts to a dangerous condition is a question of fact for a jury. Therefore, the Plaintiff has not failed to state a cause of action that falls within one (1) of the ten (10) enumerated exceptions as required under the second prong of the Sovereign Immunity Act.

C. Whether the Sovereign Immunity Act Only Waives Claims for Negligence—Not Carelessness, Recklessness, or Willful Indifference?

The plain text of 42 Pa. C.S.A. §8522(a) expressly states that sovereign immunity is only waived in actions against Commonwealth parties for "damages arising out of a negligent act ..." The Plaintiff's allegations of carelessness, recklessness, and willful indif-

NewsLine _____February 17, 2023

Attention Members!

Are you having issues with timely mail service? Need a way to see the Lehigh Law Journal and your legal notices?

We post the most current full edition on the BALC website. Simply go to the Resources tab then Law Journal.

You can also find your legal notices on a statewide database. PA Legal Ads www.palegalads.org
If you have any questions about these options,
please contact Ray at rbridgeman@lehighbar.org or
610-433-6204 X 15.

Dear Bar Association Member

The Bar Association of Lehigh County has started the Annual Ask for the Lehigh County Lawyers' Charitable Fund Grant. We are proud to remind all lawyers that the Bar Association of Lehigh County has conducted an Assistance Program to benefit area 501c3 organizations to provide much needed assistance to our surrounding communities for many years. This program has raised over \$280,000 throughout that time and distributed these funds to many deserving area organizations.

<u>lehighbar.org</u>, News & Updates for more information & donation instructions.

BALC Bar Memorials

Lehigh County Courthouse

March 6th 9:00 AM Courtroom 2A

Those Being Remembered:

Teresa I Saillant-Resendez
Mark Malkames
Edmund Healy
Fredrick E. Charles
Hon. John E. Backenstoe
Charles J. Volkert, Jr.
Samuel R. Kasick

Please make every effort to attend. Coffee and Danishes to follow in the lobby of the courtroom.

Time To Sign Up for LRS!

Please consider being part of the Lawyer Referral Program and/or Modest Means. Our Lawyer Referral Department is hard at work finding you clients!

Remember:

You agree that you will not charge nor solicit any fees for the first conference of one-half hour in duration, with the referral client. You understand that the LRS department has collected the referral fee from the client already. As part of the initial conference, you will advise the client in writing as to what further legal action you feel is required, if any. It is understood that the initial conference is for legal advice only and does not include the preparation of letters or legal documents and further that you will be compensated for any additional legal services in an amount to be agreed upon in writing by you and the referral client.

All Panel types appreciated but in urgent need of:

Medical Malpractice Civil Rights HIPAA

Workers Compensation/Employee Representation Defamation

Email lrs@lehighbar.org for your application

The Lehigh County Law Library is relocating to the first floor of the Old Courthouse at 501 W. Hamilton Street, Allentown, PA.

Books, computers, and staff may be unavailable until the Law Library is relocated.

The Law Library will be serving patrons virtually when possible.

The target date to be fully open in the new location is December 12, 2022.

Please contact the Law Library BEFORE you visit to see if we can help you virtually.

Call 610-782-3385 or email

<u>Loreleibroskey@lehighcounty.org</u> for more information.

Check the Lehigh County Law Library Facebook page for updates."

Pursuant to City of Allentown Administrative Code §27-8, The City of Allentown Discrimination and Human Relations Commission is creating a pool of interested attorneys to retain by the Commission when the Commission receives complaints that are lodged against the City of Allentown. Please provide a letter of interest including areas of legal expertise and a proposed fee schedule to my email at Ciera.Villalobos@allentownpa.gov . If you have any questions, please do not hesitate to contact me at 484-425-0601.

Thank you Ciera Villalobos Human Relations Investigator

CLE UPDATE for the week of: February 17, 2023

PBI Simulcast Seminar "PA Business Law Quirks: What You Don't Know Can Hurt Your Client" Wednesday, February 22, 2023

Contracts law, intellectual property law, unfair trade practices, limited liability — all of these fall under the "business law" umbrella. Business law is a broad and highly diverse field, with different sets of laws that apply depending on the type of business or industry. Every business owner needs to know how to navigate the legal landscape — and who to contact when legal guidance is necessary. That may be you someday.

Designed specifically for associates, new attorneys, and attorneys who do not practice business law (although experienced business lawyers will benefit too), this program offers a streamlined overview of key concepts necessary to establish a strong foundation in this practice area.

Business law is an integral aspect of any legal system as it governs and regulates the business environment. By attending this program, you are taking the first step in helping your clients run their businesses in an effective and legal manner.

- Forming business entities under PA law (corporations, LLCs and LP)
- Anti-takeover law
- Consent to Jurisdiction by registration, Mallory v. Norfolk Southern
- Enterprise liability in PA piercing the corporate veil
- Unfair Trade practices and Consumer Protection Law: Who
 is protected, what does it protect against? Gregg v.
 Ameriprise Fin. Inc.
- PA Deficiency Judgment Act

Co-sponsored with the PBA Business Law Section and <u>PBA Large Law Firm Committee</u>. PBA members save: Contact PBI's customer experience team to receive a 25% discount for PBA members. Phone: 1.800.932.4637 or Email: info@pbi.org.

Seminar: 1:30 PM - 3:30 PM; Tuition: \$149.00 2 Substantive Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "Counseling Small Businesses" Thursday, February 23, 2023

Join course planner Zane Johnson of MZA Legal and the panel as they discuss how to help lawyers who counsel small businesses maximize their value to their clients. The seminar will cover substantive issues that every lawyer counseling small businesses should know, and practical ways of thinking about your practice that will help you exceed your clients' expectations.

Topics include:

7 Things You Should Know about Your Client's IP:

Intellectual property is part of the foundation of every successful small business. Your client's brand assets, marketing materials, standard operating procedures, client lists, and the like are what allow your clients to outshine their competitors. Attorneys who work with small businesses can provide additional value to their clients by helping them understand the basics of protecting and leveraging their intellectual property. In this session, Christine Kuntz, Esq. of Conserto law will tell you what you need to know in order to help your clients protect their intellectual property.

Helping Small Businesses Get People Ready:

When it comes to running a small business, hiring the right people and knowing how to set them up for success can be the difference between long-term success and short-term misery. In this session, Edy Penn, Esq. of PennSquared Consulting will discuss how to counsel your small business clients on hiring new employees. She will explain why and how small businesses who are hiring their first employee, should consider their next ten.

Prepping Your Practice for the Future:

The legal industry is changing. Lawyers who are running their own firms will need to adapt to new ideas, new technology, and new ways of doing business to stay ahead of the competition. In this session, the audience will hear from an expert panel of practitioners and industry experts as they discuss the trends that are changing how firms deliver value and exceed client expectations.

Seminar: 9:00 AM – 12:20 PM; Tuition: \$249.00 2 Substantive & 1 Ethics Credits (Integrated) To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "Practical Cyber Security Strategies for You and Your Firm" Tuesday, February 28, 2023

The safekeeping of information continues to be more crucial than ever — especially to maintain sensitive client information like protected health information and key corporate data. Both ethical and legal obligations must be satisfied, or firms face the untold costs of recovering from a breach.

This session will provide attorneys with:

- Guidance on how to respond to client security questionnaires
- An overview of the legal requirements and industry guidelines governing firms as they grapple with this everpresent threat
- A review of ethics in action, with case studies of highprofile cybersecurity incidents affecting lawyers and law firms, and the lessons they provide to protect your firm.

Seminar: 9:00 AM – 12:15 PM; Tuition: \$249.00 2 Substantive & 1 Ethics Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "What's New – And not to be Missed in Nonprofit Law" Wednesday, March 1, 2023

Get the latest updates and hot topics in Nonprofit Law! This course will include:

- The Annual Nonprofit Law Update
- A Review of the 2023 Amendments to Pennsylvania's Nonprofit Corporation Law
- A Look at International Fundraising and Grantmaking compliance

In conjunction with its sister course, *Serving on a Nonprofit Board: Basics and Ethical Responsibilities* (March 6, 2023), this course will satisfy every nonprofit attorney's need to stay abreast of current trends and best practices.

Seminar: 9:00 AM – 12:15 PM; Tuition: \$249.00 2 Substantive & 1 Ethics Credits (Integrated) To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "Serving on a Nonprofit Board: Basics and Ethical Responsibilities" Monday, March 6, 2023

Many attorneys have the opportunity to join a nonprofit board throughout their careers. For anyone, this can be a very rewarding experience, bring opportunities to improve one's skills, make valuable connections, and help a cause that is personally meaningful.

This course will explore the role of a Board of Directors and the laws governing nonprofits. The program will provide training on the basics of nonprofit board service, including charitable issues raised under state and federal laws for current board members.

Some topics covered will include:

- Proper due diligence: What questions to ask and documents to request before joining
- Understanding your role as a board member
- Board member fiduciary duties
- Board member limited liability, D&O insurance, and indemnification

Basic Nonprofit Financial Information:

- Key elements to understanding nonprofit financial statements
- Enterprise risk management at the Board of Directors level
- Form 990 items to know how your nonprofit answered

Ethics of Serving on a Nonprofit Board:

- Serving as legal counsel and a director
- Duties and limitations in the role of the attorney on a nonprofit board according to rules of professional conduct
- Conflicts of interest
- Other ethical issues that may arise in the course of Board service

Seminar: 12:00 PM - 3:20 PM; Tuition: \$249.00 2 Substantive & 1 Ethics Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "Civil Litigation Update" Thursday, March 9, 2023

Enhance your practice with updates in key areas of civil litigation, fine tune your knowledge, and learn from leading practitioners.

This annual update will cover:

- PA Motor Vehicle Law; Product Liability
- Recent Legislation and Cases in Professional Malpractice
- Trial Practical Evidence
- Developments in PA Civil Procedure

Handling ethical issues during litigation, as well as guidance and best practices will also be discussed.

Seminar: 9:00 AM – 4:30 PM; Tuition: \$299.00 5 Substantive & 1 Ethics Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "International Business Law" Monday, March 13, 2023

As the war in Ukraine and the global economic slowdown continue into 2023, this seminar will cover four timely topics for legal counsel to carefully consider.

First, the seminar will address the Foreign Corrupt Practices Act and U.S. anti-boycott regulations. With the Biden Administration set to ramp up enforcement in 2023, the panel will discuss the potential impact on the international activities of U.S. companies and their subsidiaries.

Second, the seminar will discuss the significant stresses facing the U.S. immigration system, and what U.S. companies and employers need to know how to avoid costly missteps.

Next, two international tax professionals will describe in detail how the global tax regimes for taxing multinational companies are undergoing a radical transformation.

The final session will examine significant changes in multilateral trade. For over sixty years, there has been a worldwide trend favoring more open trade policies and the role of multinational organizations. Participants will learn how many countries are now reemphasizing the importance of protecting their key domestic industries and technologies.

Seminar: 9:00 AM – 1:30 PM; Tuition: \$249.00 3 Substantive & 1 Ethics Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

PBI Simulcast Seminar "Key Mistakes to Avoid with Residential Agreements of Sale" Tuesday, March 14, 2023

The Pennsylvania Association of REALTORS® (PAR) residential agreement of sale is the #1 contract used in the Commonwealth of PA. Marshal Granor, Kellie McGowan and Brett Woodburn will review the PAR agreement and highlight the contract provisions that often cause the costliest mistakes, while giving you tips to better represent your clients. They will also discuss the latest changes and interpretations of the ever-changing form, with thoughts about the unique needs of buyers and sellers.

Seminar: 9:00 AM – 12:15 PM; Tuition: \$249.00 3 Substantive Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

BALC WEBINAR

Thursday, March 16, 2023 12:00 PM - 1:00 PM

"Are Pennsylvania's Ethics Rules Boring? Not Now!!"
Presented by: Kathleen Conn, Ph.D., J.D., LL.M

1 Ethics Credit Tuition: \$25.00 To Register Email: cle@lehighbar.org

Back by popular demand, we are lucky to have Dr. Kathleen Conn deliver another lecture – this one on the controversial Professional Conduct Rule 8.4 (g). I guarantee, you will enjoy Dr. Conn's talk and earn an Ethics CLE credit at the same time!

This webinar will present an overview of the Pennsylvania Rules of Professional Conduct and spotlight the ongoing controversy over Rule 8.4 (g), now on appeal to the Third Circuit Court. Rule 8.4 (g) makes it professional misconduct for a lawyer to "knowingly manifest bias or prejudice" or engage in "bias, prejudice, harassment or discrimination" on a number of protected (and arguably unprotected) categories. Over twenty amici have weighed in on both sides of the issue of the Rule's alleged unconstitutional infringement of speech.

Not boring now!!

Dr. Kathleen Conn, Ph.D., J.D., LL.M is Of Counsel with King, Spry, Herman, Freund & Faul, LLC as part of their Education Law Group. Her specialty involves issues related to Title IX and Title VII, sexual harassment in both educational institutions and in the workplace. Dr. Conn's accomplishments are far too lengthy to mention here. Her complete bio will be included in your handout material. Please take a minute to look at it.

PBI Simulcast Seminar "Parenting Coordination Training: Skills for Survival" Friday, March 17, 2023

This 5.5-hour program is for lawyers and mental health professionals, including one hour of ethics and one hour of diversity, inclusion and equity training, to be used toward your 10-hour bi-annual Parenting Coordinator continuing education requirements.

Topics to be discussed include:

- Introduction to PC What it is and What it is Not
- How to be an Effective PC: Education, Mediation, Recommendation, Getting to a Resolution
- Ethical Issues PC and Co-Parenting, Getting Paid, PC Duty to Enforce
- Domestic Violence
- Diversity, Equity and Inclusion

Application has been made to The Pennsylvania Psychological Association for CE credits.

Seminar: 9:00 AM – 3:10 PM; Tuition: \$299.00 4.5 Substantive & 1 Ethics Credits To Register Call PBI @ 1.800.932.4637 or visit PBI.org/lehigh-county

CLE SEMINAR PRESENTERS NEEDED

Our ability to make CLE programs available to you on a schedule to meet your needs has been largely a function of the generous response by individuals in our membership who have volunteered to be presenters. Many members have graciously volunteered to present multiple seminars.

We hope to continue the successful practice of live 'In-House' CLE programming along with the addition of distance learning seminars for your convenience.

We would like to encourage new and past CLE program presenters to present webinars from their home or office or a live program at the Bar Association building. This is a wonderful opportunity to serve your fellow BALC members.

If you are interested in presenting a one hour seminar in either a webinar format or the old fashioned live format, please call Nancy, at 610.433.6401 Ext: 16, or e-mail at cle@lehighbar.org.

BALC CLE REGISTRATION FORM

Name:	
PA Sup.CT.ID	
Email Address:	
Member of the Bar Association of: [] Lehigh [] Northampton [] Other [] Legal Support Staff To Register: Call: Nancy @ 610.433.6401 Ext: 16 (or) E-mail: cle@lehighbar.org	
[] March 16: "Are Pennsylvania's Ethics Rules Bo Now!!"	oring? Not
BALC Webinar 12:00 PM –	1:00 PM
[] March 29: "Help for the Helper: The Effects of Trauma and Compassion Fatigue on the Lawyer Who Cares" BALC Live Seminar 12:15 PM — 1:15 PM	
Presented by: Brian S. Quinn, Esq. (Ethics)	
[] April 5: "Votes for Women: From Seneca Falls Amendment"	to the 19 th
BALC Live Seminar 12:15 PM – Presented by: John Servis, Esq.	1:15 PM
[] April 6: "Artificial Intelligence in Our Lives and Law	
Practices"	
BALC Live Seminar 12:15 PM – Presented by: Ellen Freedman, CLM (Ethic	s)
[] April 14: "Consumer Protection Law and Litigation" BALC Live Seminar 12:15 PM – 1:15 PM Presented by: Andrew Milz, Esq.	
[] April 20: "Video Compliance Camp – Session #1"	
BALC Live Seminar Earn up to 2 Ethics and 4 Sub	stantive Credits
[] April 24: "Title TBD"	
BALC Zoom Meeting Seminar 12:00 PM – Topic: Personal Injury Presented by: Mark Altem	
[] April 25: "Video Compliance Camp – Session #2"	
BALC Live Seminar Earn up to 2 Ethics and 4 Sub	
[] April 27: "Title TBD"	
BALC Webinar 12:00 PM –	1:00 PM
Topic: Charitable Exemptions Presented by: Donald Wieand, Esq and Thomas Bowen, Esq.	
[] May 24: "Title TBD"	
BALC Live Seminar 12:15 PM –	1:15 PM
Topic: Lehigh County Real Estate; Presented by	
Payments in advance: Make checks payable to BALC & mail to: Attn: Nancy; BALC; 1114 W. Walnut St., Allentown, PA 18102	

*NOTICE TO THE BAR

Judge Melissa T. Pavlack's weekly walk-in civil motions court for March 6, 2023, is canceled.

Judge Melissa T. Pavlack's Family and Civil/Misc. Motions Court for March 6, 2023, will begin at 10:30 am.

Judge Melissa T. Pavlack's weekly walk-in civil motions court for March 13, 2023, is canceled.

Judge Melissa T. Pavlack's weekly walk-in civil motions court for March 20, 2023, is canceled.

Judge Michele A. Varricchio's weekly walk-in civil motions court for Wednesday, March 8, 2023, is cancelled.

February

February 23rd YLD Happy Hour 5:30 PM

March

March 6th Bar Memorials-9:30 AM March 10th Bench Bar Savannah March 10th BALC Board Meeting 4:30 PM Savannah

April

April 20th BALC Board Meeting 4:30PM April 28th Bar Admissions Ceremony 4PM Courthouse April 28th New Member Cocktail Reception (Immediately after Bar Admissions Ceremony-Barrister's Club)

***William E. Doyle, retired, had a 2-person law office in Allentown. I'm trying to locate an attorney who may have acquired his files, particularly those files which pertained to a client, William Zoski. Specifically, anything regarding my brother's Will.

I may be reached at 302-345-4625, Wayne Zoski or my email address: waynezo@aol.com

Thank you for your attention to my request.

ATTENTION:

The Salisbury Township Zoning Hearing Board seeks a qualified zoning attorney to serve as conflict solicitor. If interested, please submit a resume and fee proposal no later than February 28, 2023, either:

By mail or hand-delivery to:
Salisbury Twp ZHB Alt Solicitor
Attn: Township Manager
2900 South Pike Avenue
Allentown, PA 18103
OR

By email to: info@salisburytownshippa.org with "ZHB Alt Solicitor" in the subject line

BALC Membership Office Hours: 10am until 4pm

Monday-Friday
Open additional hours for Arbitrations, Board Room Rentals
& Special Events or By Appointment

Lawyer Referral 9am until 3pm

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PLEASE INCLUDE ALL INVOICES WITH PAYMENTS

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NewsLine 8 NOTES

ference must be stricken from the Plaintiff's Second Amended Complaint as pertaining to PennDOT as the absence of these words in §8522(a) indicates that the intent of the Pennsylvania General Assembly is bar a cause of action in relation to these allegations against the Commonwealth and Commonwealth parties.

VI. Conclusion

For the foregoing reasons, PennDOT's Preliminary Objections, filed March 30, 2022, are sustained in part and overruled in part. Averments a., c., d., e., f., g., h., i., j., k., l., m., n., o., p., q., r., and s., in Count II, along with use of the words recklessness, carelessness, and willful indifference are stricken from the Plaintiff's Second Amended Complaint. The Preliminary Objection as to averment b. is overruled.

ORDER

AND NOW, this 22nd day of August 2022, upon consideration of Defendant's Commonwealth Of Pennsylvania, Department Of Transportation, Preliminary Objections To Plaintiff's Second Amended Complaint filed March 30, 2022 and Plaintiff's response thereto and for the reasons set forth in the accompanying Memorandum Opinion;

IT IS ORDERED that:

- 1. Preliminary Objection To Strike Claims Against PennDOT For Failure To State A Claim Pursuant To Pa.C.S. § 8522(b) is SUSTAINED in part and OVERRULED in part, and averments a., c., d., e., f., g., h., i., j., k., l., m., n., o., p., q., r., and s., are STRICKEN from the Second Amended Complaint;
- 2. The Preliminary Objection described as The Sovereign Immunity Act Only Waives Claims For Negligence—Not Carelessness, Recklessness Or Willful Indifference is SUSTAINED and the averments of carelessness, recklessness, and willful indifference are STRICKEN from paragraph fifty-five (55) of the Second Amended Complaint.

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

Alvarez, Leonardo, dec'd.

Late of the City of Allentown. Executrix: Norma Yvette Maffia c/o George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018.

Attorney: George K. Keenan, Esquire, 44 East Broad Street, Suite 210, Bethlehem, PA 18018.

Bateman, Richard L., dec'd.

Late of Allentown.

Co-Executors: Ned W. Bateman and Jon S. Case c/o Quintes D. Taglioli, Esquire, 121 N. Cedar Crest Blvd., 2nd Floor, Allentown, PA 18104.

Attorney: Quintes D. Taglioli, Esquire, 121 N. Cedar Crest Blvd., 2nd Floor, Allentown, PA 18104.

Biggs, Joseph James, dec'd.

Late of Allentown.
Executrix: Rebeca Torres, 432
N. 7th Street, Allentown, PA
18102.

Attorney: Rebeca Torres, Esquire, 432 N. 7th Street, Allentown, PA 18102.

Boyd, Geneva L. a/k/a Geneva C. Boyd, dec'd.

Late of Lower Macungie Township.

Executor: Berrilynn Boyd a/k/a Berrilynn Boyd Norman c/o Fiore & Barber LLC, 418 Main St., Suite 100, Harleysville, PA 19438.

Attorneys: Aman M. Barber, III, Esquire, Fiore & Barber LLC, 418 Main St., Suite 100, Harleysville, PA 19438, (215) 256-0205.

Clarke, Patricia M., dec'd.

Late of Wescosville.

Executrix: Jennifer Clarke-Sirignano c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

Attorneys: Larry R. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

Cosme, Victor Alexie, dec'd.

Late of South Whitehall Township.

Executrix: Olga Cosme, 4805 Beech Drive, Whitehall, PA 18052.

Attorney: William P. Marshall, Esquire, 21 E. Lincoln Avenue, Suite 120, Hatfield, PA 19440.

Day, Kathleen L., dec'd.

Late of Allentown City. Administrator: Lester C. Day. Attorney: Taylor R.D. Briggs, Esquire, 210 E. Broad St., Bethlehem, PA 18018.

DeLong, Beatrice A., dec'd.

Late of Macungie.

Executor: Kelvin K. DeLong c/o Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Attorneys: Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Deutsch, John J., dec'd.

Late of Allentown.

Executor: Jacob D. Reppert c/o Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Attorneys: Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Duncan, Beverly C., dec'd.

Late of Upper Milford Twp. Executrix: Kris Ann Toomey, 5250 Wheatland Dr., Zionsville, PA 18092.

Attorneys: Robert T. Kelly, Jr., Esquire, Myers, Brier & Kelly, LLP, 425 Biden St., Ste. 200, Scranton, PA 18503.

Farrell, Saundra N. a/k/a Saundra Norene Farrell, dec'd.

Late of Lower Macungie Township.

Co-Executors: Quisha Chaunelle Farrell and Michael Joseph Farrell c/o Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051-1616.

Attorney: Richard W. Shaffer, Jr., Esquire, 7736 Main Street, Fogelsville, PA 18051-1616.

Fumarola, Mary Ann, dec'd.

Late of Lower Macungie Township.

Executrix: Colette M. Fumarola-Huber c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062. Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Gotthardt, Jean L. a/k/a Jean Gotthardt a/k/a Jean Louise Gotthardt, dec'd.

Late of Allentown City.

Executrix: Kathleen R. Salabsky, 918 S. 10th St., Allentown, PA 18103.

Attorney: John M. Ashcraft, III, Esquire, 20 North 5th Street, Suite #1, Emmaus, PA 18049.

Haines, Kathleen A., dec'd.

Late of Zionsville.

Administratrix: Nancy J. Davis, 3562 Dartmouth Drive, Bethlehem, PA 18020.

Attorney: Ralph J. Bellafatto, Esquire, 4480 William Penn Highway, Easton, PA 18045.

Harahus, Genevieve C., dec'd.

Late of Upper Macungie Township.

Executrix: Janine A. Papach. Attorneys: Robert M. Knauer, Esquire, Knauer & Davenport, 143 North Eighth St., Allentown, PA 18101.

Hart, Dale A., dec'd.

Late of the Borough of Coplay. Administratrix: Lisa Hart, 676 Cherry Lane Road, E. Stroudsburg, PA 18301.

Attorneys: Carla J. Thomas, Esquire, Thomas & Thomas, 716 Washington St., Easton, PA 18042.

Helper, Ruth, dec'd.

Late of Upper Macungie. Administratrix: Jill E. Steigerwald c/o Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101. Attorneys: Christopher R. Gray, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

Kelly, Michael J., dec'd.

Late of Lehigh County.

Executor: Michael James Rosekrans Kelly c/o Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

Attorneys: Judith A. Harris, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

Kender, Margaret G., dec'd.

Late of Allentown.

Administrator: Mark A. Kender c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105. Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

Kim, Peter C. a/k/a Peter Changyong Kim, dec'd.

Late of Upper Saucon Twp. Executrix: Mi-Ran Kim, 3350 N. Bay Hill Dr., Center Valley, PA 18034.

Attorneys: Brian D. Gourley, Esquire, Landis, Hunsberger, Gingrich & Weik, LLP, 114 East Broad Street, P.O. Box 64769, Souderton, PA 18964.

Klotzman, Jacob D. a/k/a Jacob Klotzman, dec'd.

Late of 6322 Riverview Road, Allentown, North Whitehall Township.

Administrator: Wilson D. Klotzman, P.O. Box 73, Lake Harmony, PA 18624.

Knorr, Morfydd, dec'd.

Late of 3587 Mechanicsville Road, Whitehall.

Executrix: Amanda Knorr, 3587 Mechanicsville Road, Whitehall, PA 18052.

Attorney: Cynthia Ann Dyrda Hatton, Esquire, 442 Mahoning Street, Lehighton, PA 18235.

Long, Robert D., dec'd.

Late of 815 Pennsylvania Avenue, Bethlehem.

Co-Personal Representatives: Daryl Long a/k/a Daryl R. Long and Cheryl Linda Long a/k/a Cheryl L. Long c/o Yekaterina Bacenet, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.

Attorneys: Yekaterina Bacenet, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.

McGinn, Laurence C., dec'd.

Late of the Township of Salisbury.

Executrix: Karen M. McGinn c/o Lawrence G. Strohm, Jr., Esquire, Law Office of Lawrence G. Strohm, Jr., 1894 Media Club Building, 116 W. Baltimore Avenue, Media, PA 19063. Attorneys: Lawrence G. Strohm, Jr., Esquire, Law Office of Lawrence G. Strohm, Jr., 1894 Media Club Building, 116 W. Baltimore Avenue, Media, PA 19063.

Michener, Nancy, dec'd.

Late of Allentown.

Executrix: Linda J. Ehret c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105. Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

Peterman, Eileen Marie a/k/a Eileen M. Peterman, dec'd.

Late of Coopersburg.

Executors: Robert P. Peterman, Jr. and Daniel Peterman c/o Joseph P. Yannuzzi, Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517.

Attorney: Joseph P. Yannuzzi, Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517.

Tiffany, Jennie Clara a/k/a Jennie C. Tiffany, dec'd.

Late of the City of Allentown. Administratrix: Pamala Riovo Wheeler, 710 Church Rd., Pell City, AL 35128.

Attorney: John M. Ashcraft, III, Esquire, 20 N. 5th Street, Suite #1, Emmaus, PA 18049.

SECOND PUBLICATION

Bachert, Maryanne V., dec'd.

Late of Allentown.

Executor: Daniel Biegley, 10212 Schoolhouse Road, Breinigsville, PA 18031.

Attorney: Kevin S. Frankel, Esquire, 150 N. Radnor Chester Road, Suite F200, Radnor, PA 19087.

Baker, Lillian F., dec'd.

Late of Bethlehem City.

Executors: Alyce B. Galligani and George W. Baker c/o Edward H. Butz, Esq., 1620 Pond Rd., Ste. 200, Allentown, PA 18104.

Attorneys: Edward H. Butz, Esquire, Lesavoy Butz & Seitz, 1620 Pond Rd., Ste. 200, Allentown, PA 18104.

Begg, Jane Mary a/k/a Jane M. Begg, dec'd.

Late of Lower Macungie Township.

Executrices: Lisa B. Burnett and Amy L. Ralske c/o Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051-1616.

Attorney: Richard W. Shaffer, Jr., Esquire, 7736 Main Street, Fogelsville, PA 18051-1616.

Burns, Thomas Robert a/k/a Thomas R. Burns, dec'd.

Late of the City of Allentown. Executrix: Kathleen Corpora c/o Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

Cengeri, Evelyn C., dec'd.

Late of Bethlehem.

Executors: William S. Cengeri and Thomas J. Cengeri c/o Justin L. Schell, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Justin L. Schell, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Dimter, Eric Jerome, dec'd.

Late of Allentown.

Administratrix: Allison Elizabeth Dimter.

Attorneys: Gladys E. Wiles, Esquire, Snyder & Wiles, P.C., 7731 Main Street, Fogelsville, PA 18051, (610) 391-9500.

Dorward, Carol A. a/k/a Carol Dorward, dec'd.

Late of Lehigh County.

Executrix: Dixie Dorward Morgan, 196 Schochs Mill Road, Blakeslee, PA 18610.

Attorney: Abigail Gross, Esq., 7619 Tilghman Street, Allentown, PA 18106.

Fatzinger, Michael LaMar a/k/a Michael Fatzinger, dec'd.

Late of Allentown.

Executrix: Sheena L. Gonzalez c/o Norris McLaughlin P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101. Attorneys: Christopher R. Gray, Esquire, Norris McLaughlin P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

Foehrkolb, Anna C., dec'd.

Late of Salisbury Township, Allentown.

Executor: Randy L. Foehrkolb, 2300 33rd St. SW, Allentown, PA 18103.

Gehringer, Betty Mae a/k/a Betty M. Gehringer, dec'd.

Late of Upper Macungie Township.

Co-Executors: Donna L. Raedler and Geoffrey N. Gehringer. Attorneys: Michelle M. Forsell, Esq., Wolf, Baldwin & Associates, P.C., 570 Main Street, Pennsburg, PA 18073.

Goretski, Kathleen P., dec'd.

Late of 339 Main Street, Slatington.

Executrix: Rosanne Pugh. Attorneys: Scott G. Hoh, Esquire, Law Office of Scott G. Hoh, 606 North 5th Street, Reading, PA 19601.

Grim, Althea A., dec'd.

Late of Whitehall.
Executor: Timothy S. Grim c/o
Noonan Law Office, 526 Walnut
St., Allentown, PA 18101.
Attorneys: Noonan Law Office,
526 Walnut St., Allentown, PA
18101.

Kelly, Clark R., dec'd.

Late of South Whitehall Township.

Executor: Ricky S. Reinhard c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101.

Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Suite 800, Allentown, PA 18101.

Krasley, Clayton C., Jr., dec'd. Late of 1824 Roosevelt St., Al-

lentown.

Executor: Robert Krasley, 1824 Roosevelt St., Allentown, PA 18104.

Lamm, Jeffrey A., dec'd.

Late of Emmaus.

Executrix: Jane L. Lamm c/o Law Offices of Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051.

Attorney: Michael Prokup, Esquire, 7736 Main Street, Fogelsville, PA 18051.

Leskowich, Jacqueline K., dec'd. Late of Allentown, formerly of

Walnutport.

Executor: Scott R. Leskowich a/k/a Scott Roger Leskowich c/o Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Long, Edith E., dec'd.

Late of Allentown.

Executrix: Joan L. White c/o Law Offices of Lawrence B. Fox, P.C., 1834 Pennsylvania Avenue, Hanover Township, Allentown, PA 18109.

Attorneys: Law Offices of Lawrence B. Fox, P.C., 1834 Pennsylvania Avenue, Hanover Township, Allentown, PA 18109.

McHugh, Winnifred, dec'd.

Late of Allentown.

Administratrix: Rebecca Ann Nakhla.

Attorneys: Robert M. Knauer, Esquire, Knauer & Davenport, 143 North Eighth St., Allentown, PA 18101.

McLane, Lorraine Ann a/k/a Lorraine A. McLane, dec'd.

Late of Emmaus Borough.
Executrix: Jean Ann Stebbins a/k/a Jeannie Stebbins c/o
David M. D'Orlando, Esq., 53 S.
Main St., Yardley, PA 19067.
Attorneys: David M. D'Orlando,
Esquire, The D'Orlando Firm,
PLLC, 53 S. Main St., Yardley,
PA 19067.

Moyer, Theodora Albree a/k/a Theodora A. Moyer, dec'd.

Late of Fountain Hill.

Executor: Brett Allen Moyer c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517.

Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517.

Rex, Arlene E., dec'd.

Late of Germansville.

Co-Executors: Linda Mae Coffin and Paul H. Bachman, Jr. c/o Kathleen M. Collins, Esquire, 1125 S. Cedar Crest Boulevard, Suite 205, Allentown, PA 18103. Attorney: Kathleen M. Collins, Esquire, 1125 S. Cedar Crest Boulevard, Suite 205, Allentown, PA 18103.

Rhodin, Rebecca, dec'd.

Late of Lower Macungie Township.

Executor: Marc O. Aranoff a/k/a Marc Aranoff c/o Traud Law Offices, 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

Attorney: T. Benjamin Traud, Esq., 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

Rice, Ethan Bruce a/k/a Ethan B. Rice, dec'd.

Late of Whitehall City.

Executors: Bonnie C. Brosious and Carl R. Brosious, 3923 Old Country Road, Whitehall, PA 18052.

Sacks, Susan C., dec'd.

Late of Coplay.

Executor: Michael R. Sacks c/o Stephen A. Strack, Esquire, Steckel and Stopp, LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Stephen A. Strack, Esquire, Steckel and Stopp, LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

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

Late of 1745 W. Macada Road, Apt. 219, Bethlehem.

Personal Representative: Carol M. Sauerzopf c/o James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916.

Attorney: James A. Ritter, Esquire, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916.

Schlegel, Stephen James, dec'd. Late of 4176 Chelten Lane, Upper Saucon Township.

Personal Representative: Jodene A. Werbinsky a/k/a Jodene Ann Schlegel c/o R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.

Attorneys: R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.

Schmeltzle, Geraldine S., dec'd. Late of Emmaus.

Co-Executors: Lori A. Tarboro and Chris A. Schmeltzle c/o Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Attorneys: Emily A. Zettlemoyer, Esquire, Zettlemoyer Law Office, LLP, 53 North 3rd Street, Emmaus, PA 18049.

Stephens, Willa Sue L., dec'd.

Late of Salisbury Township. Willa Sue L. Stephens Revocable Trust Dated 6/28/1999, as amended and restated.

Trustee: Vanessa S. Costantini c/o Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017.

Attorneys: Timothy J. Duckworth, Esquire, Mosebach, Funt, Dayton & Duckworth, P.C., 2045 Westgate Drive, Suite 404, Bethlehem, PA 18017.

Strouse, James W., dec'd.

Late of the Borough of Coopersburg.

Executor: Eugene J. Droogan, Jr. c/o Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

Yost, Joseph E., dec'd.

Late of Orefield, North Whitehall Township.

Executor: Javier Rivera c/o Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

Attorneys: Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

THIRD PUBLICATION

Bachman, Jean M., dec'd.

Late of Slatington.

Executors: Donna J. Pfrom and Steven R. Bachman c/o Keith W. Strohl, Esq., Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Keith W. Strohl, Esq., Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Deppe, Theodore W. a/k/a Theodore William Deppe, dec'd.

Late of Emmaus.

Executrix: Dolores A. Deppe, 330 N. Main Street, Coopersburg, PA 18036.

Attorney: Kristofer M. Metzger, Esquire, 6666 Passer Rd., Suite #3, Coopersburg, PA 18036-1258.

Fetchko, Margaret E., dec'd.

Late of Whitehall.

Executrix: Judith L. Massaro c/o Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104.

Attorneys: Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104.

Frey, Betty J., dec'd.

Late of Upper Macungie Township.

Estate Representative: David A. Frey c/o Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051.

Attorney: Richard W. Shaffer, Jr., Esquire, 7736 Main Street, Fogelsville, PA 18051.

Gress, Emily I., dec'd.

Late of Emmaus.

Administratrix: Deborah E. Gress c/o Daniel K. McCarthy, Esquire, Davison & McCarthy, P.C., Two City Center, 645 Hamilton Street, Suite 510, Allentown, PA 18101.

Attorneys: Daniel K. McCarthy, Esquire, Davison & McCarthy, P.C., Two City Center, 645 Hamilton Street, Suite 510, Allentown, PA 18101.

Lapp, Miriam L., dec'd.

Late of Upper Macungie Township.

Executrix: Jennifer A. Lynn c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Lapp, Miriam L., dec'd.

Late of Upper Macungie Township.

The Miriam L. Lapp Restated Trust Agreement dated September 26, 2005.

Settlor: Miriam L. Lapp.

Trustee: Jennifer A. Lynn c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062. Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Machacyk, Concetta T., dec'd.

Late of Whitehall.

Executor: Robert F. Machacyk c/o Daniel G. Dougherty, Esq., 881 3rd St., B-3, Whitehall, PA 18052.

Attorney: Daniel G. Dougherty, Esq., 881 3rd St., B-3, Whitehall, PA 18052.

Rutman, Julie, dec'd.

Late of Allentown.

Executrix: Janet C. Rutman c/o Daniel G. Dougherty, Esq., 881 3rd St., B-3, Whitehall, PA 18052.

Attorney: Daniel G. Dougherty, Esq., 881 3rd St., B-3, Whitehall, PA 18052.

Santee, Mary a/k/a Lois Mary Santee, dec'd.

Late of the City of Allentown. Administrator: James F. Santee c/o Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

Attorneys: Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

Smith, Scott Wayne a/k/a Scott W. Smith, dec'd.

Late of Allentown.

Administratrix: Diana L. Smith c/o Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018. Attorneys: Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018.

Smith, Terry L. a/k/a Terry Smith, dec'd.

Late of Allentown.

Executrix: Diana L. Smith c/o Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018.

Attorneys: Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018.

Stoudt, Joan M. a/k/a Joan Marie Stoudt, dec'd.

Late of Weisenberg Township. Executor: Raymond C. Stoudt a/k/a Raymond Carl Stoudt. Attorneys: Jon A. Swartz, Esquire, Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051.

Strohecker, David L. a/k/a Dave Strohecker, dec'd.

Late of Zionsville, Upper Milford Township.

Executrix: Trudi L. Coffman, 1443 Dove Terrace, Wescosville, PA 18106.

Wanamaker, Harlan G., dec'd.

Late of the Township of Weisenberg.

Co-Executors: Debra A. Gore a/k/a Debra A. Hughes and Todd H. Wanamaker c/o Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

NOTICE

NOTICE IS HEREBY GIVEN that the Court of Common Pleas of Lehigh County, Pennsylvania will conduct a hearing on March 14, 2023 at 8:30 A.M. in Courtroom 1B of the Lehigh County Historic Old Courthouse, 503 Hamilton Street, Allentown, PA 18101 to consider and act upon the Petition of the Board of Directors of the East Penn School District to privately sell a 2.27 acre more or less tract of land known as S. Mountain Street, Emmaus, Pennsylvania to Jeffrey Trainer and/or assigns for the sum of \$150,000.00. If you wish to be heard on the matter your attendance is required at that date, time and place.

MARC S. FISHER, ESQ.

Solicitor, East Penn School District F-10, 17, 24

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Lehigh County Civil Action—Law

NO. 2023-C-0385

NOTICE IS HEREBY GIVEN that on February 6, 2023, the Petition of Prince Zion Karter for a Change of Name has been filed in the abovenamed Court, praying for a Decree to change the name of Petitioner from Prince Zion Karter to Mylynn Ali Katore.

The Court has fixed Monday, April 3, 2023, at 9:30 A.M. in Courtroom No. 2A, Lehigh County Courthouse, Allentown, Pennsylvania, as the date and place for the hearing of said Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of said Petitioner should not be granted.

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NOTICE

In the Court of Common Pleas of Lehigh County, Pennsylvania

NO. 2019-C-2559

WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST I

Plaintiff

vs.

KELLY KREMPOSKY, AS
BELIEVED HEIR AND/OR
ADMINISTRATOR TO THE ESTATE
OF JOSEPH KREMPOSKY a/k/a
JOSEPH A. KREMPOSKY a/k/a
JOESEPH KREMPOSKY
UNKNOWN HEIRS AND/OR
ADMINISTRATORS OF THE
ESTATE OF JOSEPH KREMPOSKY
a/k/a JOESEPH A. KREMPOSKY
a/k/a JOESEPH KREMPOSKY
Defendants

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Kelly Kremposky, as believed heir and/or Administrator to the Estate of Joseph Kremposky a/k/a Joseph A. Kremposky a/k/a Joseph Kremosky, Unknown Heirs and/or Administrators of the Estate of Joseph Kremposky a/k/a Joseph A. Kremposky a/k/a Joseph Kremposky, 310 1st Street, Slatington, PA 18080

Your house (real estate) at: 310 1st Street, Slatington, PA 18080 is scheduled to be sold at Sheriff's Sale on February 24, 2023 at 10 a.m., at Room 131 in the Courthouse, Fifth and Hamilton Streets, Allentown, Pennsylvania, to enforce the judgment of \$97,982.96 plus interest from April 2, 2022, at a per diem rate of \$10.06 obtained by Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust I, against you.

NOTICE OF OWNER'S RIGHTS YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale, you must take immediate action:

1. The sale will be cancelled if you pay back to Plaintiff the amount of the judgment plus interest, costs, and reasonable attorney fees due or the back payments, late charges, costs, interest and reasonable attorney fees due. To find out how much you must pay, you may call Hill Wallack LLP at (215) 579-7700.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may be able to stop the sale through other legal proceedings.

4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling Hill Wallack LLP at (215) 579-7700.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call Hill Wallack LLP at (215) 579-7700.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff, and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

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7. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lehigh County Bar Association Lawyer Referral and Information Service P.O. Box 1324 Allentown, PA 18105-1324 (610) 433-7094

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

MICHAEL J. SHAVEL, ESQ. Attorney ID 60554 JILL M. FEIN, ESQ. Attorney ID 318491 HILL WALLACK LLP Attorneys for Plaintiff 777 Township Line Road Suite 250 Yardley, PA 19067 Tel. (215) 579-7700 Fax (215) 579-9248

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NOTICE

Anyone with interest to the following vehicles:

2003 Toyota Matrix VIN: 2TIL-R32E53C063635;

2012 Nissan Maxima VIN: 1N4AA5AP9CC840183;

2000 Honda Accord VIN: 1HGC-G1654YA052224 must contact Azar Towing at (610) 820-8697 or appear at the Lehigh County Courthouse on March 6, 2023, at 9:30 a.m. in courtroom 5B.

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What's your new year's resolution? Start by talking to us.



For nearly 150 years, we have been in the business of legal excellence.

Eastburn and Gray is growing.

If you are interested in learning more about a rewarding career with us, email your resume to careers@eastburngray.com.



412 W. Broad Street, Bethlehem, PA | eastburngray.com | (215) 345-7000



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Tuesday, February 21, 2023