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In The Court Of Common Pleas Of Lancaster County  
**Civil Action -- Med-Mal**

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Crowe v. Lancaster General Health  
Medical Malpractice – Negligent Infliction of Emotional Distress –  
Physical Injury

Undergoing intensive, invasive medical monitoring due to a misplaced pathology specimen leaving patient’s diagnosis unclear is an actual injury for which emotional distress damages are available.

Opinion. Crowe v. Lancaster General Health. No. 08637-2021.

OPINION BY BROWN, J., March 18, 2022. This case is before the court on the preliminary objections filed by Defendant Lancaster General Health (“LGH”) on January 4, 2022.

**I. BACKGROUND**

Defendant LGH is a hospital and health care provider located in Lancaster, Pennsylvania. Plaintiffs Dale and Kimberly Crowe (“the Crowes”) live in Conestoga, Pennsylvania.

Mr. Crowe went to LGH’s emergency department on May 17, 2020, due to worsening blood in his urine. Pl. Compl ¶ 5–6. After a CT scan revealed “a rounded 2 cm soft tissue density lesion” on the left side of Mr. Crowe’s bladder that appeared “most compatible with a malignancy,” Mr. Crowe was referred to Keystone Urology Specialists. *See id.* ¶ 9–10. There, Dr. Christopher Miller noted Mr. Crowe’s family history of bladder cancer, assessed Mr. Crowe as having “[m]alignant neoplasm of bladder, unspecified,” and recommended Mr. Crowe undergo a cystoscopy and transurethral resection of bladder tumor (“TURBT”)<sup>1</sup> with an application of a chemotherapeutic agent. *See id.* ¶ 13–14.

Dr. Miller performed the cystoscopy and TURBT on June 9, 2020. *Id.* ¶ 15–16. He removed a specimen from the left wall of the bladder and a specimen from the deep resection bed, sending both to the LGH Pathology Department. *Id.* ¶ 18. The Pathology Department’s report stated the left wall sample was benign and the deep biopsy lacked diagnostic abnormality. *Id.* ¶ 20–21.

Dr. Miller was surprised by the pathology report given what he had seen during the cystoscopy and TURBT. *See id.* ¶ 24. At Mr. Crowe’s follow-up appointment on June 15, 2020, Dr. Miller stated the lesions were “highly concerning for malignancy” despite what the pathology report said and recommended a follow-up cystoscopy in six months. *See id.* ¶ 23–24. After the appointment, he discussed the case with the Pathology Department and noted “[i]t ultimately seems that the entirety of the specimen was not delivered to the laboratory for examination.” *Id.* ¶ 25.

At Dr. Miller’s recommendation and because of the lost pathology specimen, Mr. Crowe underwent a second TURBT on July 22, 2020,

<sup>1</sup> TURBT is a procedure used to diagnose and treat bladder cancer. TURBT involves performing a biopsy of the tumor and attempting to remove it through a process called resectioning. *See Bladder Tumor Biopsy and Resection After Cancer, Cleveland Clinic (December 8, 2020)*, <https://my.clevelandclinic.org/health/treatments/16281-bladder-tumor-biopsy-and-resection-after-cancer#procedure-details>.

during which there was no visible tumor. *Id.* ¶ 27. At the next follow-up appointment on July 29, 2020, Dr. Miller noted the missing specimen made it difficult to formulate a treatment plan but that by all appearances the tumor had been a large, low-grade tumor. *See id.* ¶ 30–31. He recommended Mr. Crowe pursue treatment as though having high-grade carcinoma. *See id.* ¶ 32.

Mr. Crowe went to Fox Chase Cancer Center the next day for a second opinion with Dr. Robert Uzzo. *Id.* ¶ 33. Dr. Uzzo was unclear of the lost tumor specimen’s pathology but, given the tumor’s size and unifocal nature, stated the pathology was likely low- or intermediate-grade. *See id.* ¶ 36–37. Based on the information available, Dr. Uzzo recommended close monitoring and regular cystoscopies.<sup>2</sup> On August 6, 2020, Dr. Uzzo estimated Mr. Crowe’s risk for cancer recurrence to be 30–50 percent. *Id.* ¶ 39.

After a cystoscopy in September 2020 revealed a large erythematous lesion on the left wall of Mr. Crowe’s bladder, Mr. Crowe’s urologic oncologist recommended a repeat TURBT “[g]iven the uncertainty of his bladder diagnosis.” *See id.* ¶ 40–42. Mr. Crowe underwent another TURBT on October 15, 2020. The TURBT showed chronic inflammation and a tumor on the bladder’s left wall. *Id.* ¶ 43.

On December 15, 2021, the Crowes initiated this case by filing a complaint for negligence, negligent infliction of emotional distress (“NIED”), corporate negligence, and loss of consortium. Count I alleges LGH breached a duty of care by losing the tumor specimen, resulting in medical uncertainty requiring heightened monitoring through invasive cystoscopies, past and future pain and suffering, past and future medical expenses, and past and future loss of earnings and earning capacity. *See id.* ¶ 47–55. Count II alleges LGH breached a duty to care for Mr. Crowe’s emotional wellbeing when it lost his tumor specimen, resulting in Mr. Crowe’s being forced to undergo heightened medical monitoring and all its associated and foreseeable physical, emotional, and mental injury. *See id.* ¶ 59–67. Count III alleges LGH breached a duty to ensure Mr. Crowe’s safety by failing to uphold a proper standard of care. *See id.* ¶ 68–81. Count IV alleges LGH’s negligence deprived and continues to deprive Mrs. Crowe of the care, companionship, and society of her husband. *See id.* ¶ 82–84.

LGH filed preliminary objections under Pennsylvania Rule of Civil Procedure 1028(a)(4), alleging counts I–IV of the Crowes’ complaint are legally insufficient because Mr. Crowe has not suffered a physical injury. LGH argues that Pennsylvania law prevents plaintiffs from recovering based on an increased risk of latent disease without suffering a physical injury. Def. Prelim. Obj. ¶ 35–36. On January 24, 2021, the Crowes filed a response in opposition. After oral arguments on March 1, 2022, this matter is ripe for judicial review.

<sup>2</sup> Mr. Crowe has since undergone regular cystoscopies, which are necessary “given the lost tumor specimen and lack of pathologic examination.” *See* Pl. Compl. ¶ 45. At oral arguments, the parties agreed Mr. Crowe’s bladder tumor was cancerous but the severity of the disease could not be determined because the specimen was lost. The Crowes’ attorney clarified that, while some degree of monitoring would be necessary in any case, these cystoscopies go above and beyond the monitoring recommended for a low- or intermediate-grade cancer diagnosis due to the uncertain pathology of the bladder tumor specimen.

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## II. LEGAL STANDARD

“In order to sustain Preliminary Objections in the nature of a demurrer, it must appear certain that upon the factual averments and all inferences fairly deducible therefrom, the law will not permit recovery by the plaintiff.” *Halliday v. Beltz*, 514 A.2d 906, 908 (Pa. Super. 1986).

A demurrer can only be sustained where the complaint is clearly insufficient to establish the pleader’s right to relief. For the purpose of testing the legal sufficiency of the challenged pleading a preliminary objection in the nature of a demurrer admits as true all well-pleaded, material, relevant facts, and every inference fairly deducible from those facts. The pleader’s conclusions or averments of law are not considered to be admitted as true by a demurrer.

Since the sustaining of a demurrer results in a denial of the pleader’s claim or a dismissal of his suit, a preliminary objection in the nature of a demurrer should be sustained only in cases that clearly and without a doubt fail to state a claim for which relief may be granted. If the facts as pleaded state a claim for which relief may be granted under any theory of law then there is sufficient doubt to require the preliminary objection in the nature of a demurrer to be rejected.

*City of Allegheny v. Commonwealth*, 490 A.2d 402, 408 (Pa. 1985).

## III. DISCUSSION

LGH argues the loss of the tumor specimen and resulting diagnostic uncertainty has not caused Mr. Crowe to suffer a compensable physical injury, but rather a fear of developing cancer that is not a cognizable injury under Pennsylvania law. The Crowes disagree, arguing the lost specimen and resulting diagnostic uncertainty caused Mr. Crowe to suffer actual injury from additional and potentially unnecessary medical monitoring—along with the attendant risks, side effects, and emotional distress.

“To state a claim for negligence, a claimant must establish the presence of a legal duty or obligation; a breach of that duty; a causal link between that breach and the injury alleged; and actual damage or loss suffered by the claimant as a consequence of thereof.” *Wright v. Eastman*, 63 A.3d 281, 284 (Pa. Super. 2013). A plaintiff must establish the defendant’s negligence resulted in an actual injury. *See Eckroth v. Pa. Elec., Inc.*, 12 A.3d 422, 427 (Pa. Super. 2010).

To state a cause of action for NIED, a plaintiff must demonstrate he is the foreseeable plaintiff and that he suffered a physical injury because of the defendant’s negligence. *See Armstrong v. Paoli Mem. Hosp.*, 633 A.2d 605, 609 (Pa. Super. 1993). Plaintiffs may recover emotional distress damages for the peril arising from a defendant’s negligence when that negligence causes an actual, physical injury. *See Shumosky v. Lutheran Welfare Servs. of Ne. PA, Inc.*, 784 A.2d 196, 200 (Pa. Super. 2001). In *Shumosky*, the plaintiff-nurse could recover emotional distress damages because the defendant’s negligence resulted in a physical injury: a finger prick. *See id.* Physical injury is also sufficiently pled when the plain-

tiff sufficiently alleges physical manifestations of emotional suffering caused by the defendant's negligence. *See Toney v. Chester Cty. Hosp.*, 961 A.2d 192 (Pa. Super. 2008) (allegations of "severe shock, nervous shock, grief, . . . continued nausea and headaches, insomnia, depression, nightmares . . ." satisfy physical harm requirement).

Although LGH asserts Mr. Crowe's medical monitoring is just a lesser course of treatment the plaintiff chose after receiving a second medical opinion, its argument does not acknowledge that plaintiffs alleged Mr. Crowe receives more intensive medical monitoring because the misplaced pathology specimen left his diagnosis unclear. The Crowes alleged that, but for LGH's negligence, Mr. Crowe would not have undergone several invasive monitoring procedures and would not have to undergo such rigorous medical monitoring going forward. This allegation is enough to plead a physical injury and is sufficient to permit The Crowes' claims for negligence, corporate negligence, and loss of consortium to survive preliminary objections.<sup>3</sup>

LGH is correct that Pennsylvania's Two Disease rule does not permit the Crowes to recover for a fear of developing cancer or emotional distress at the increased risk of cancer stemming from a misdiagnosis or delayed diagnosis while Mr. Crowe is still cancer-free. *See Simmons v. Pacor, Inc.*, 674 A.2d 232, 238 (Pa. 1996) ("damages for fear of cancer are speculative"); *Lubowitz v. Albert Einstein Med. Ctr., N. Div.*, 623 A.2d 3, 5 (Pa. Super. 1993) (asymptomatic plaintiff unable to recover damages for fear of developing AIDS). But that line of cases is inapposite in this circumstance. Mr. Crowe's heightened medical monitoring is an "actual injury," and so emotional distress damages from the monitoring itself are available, if pled. The Crowes pled "[i]t was foreseeable that Plaintiff Mr. Crowe would suffer emotional distress from learning that all or a portion of his surgical specimen was discarded . . . prior too being tested and/or examined." Compl. ¶ 65. The Crowes also pled that the loss of the surgical specimen forced Mr. Crowe to continually undergo invasive procedures, and that Mr. Crowe suffers from "nightmares, headaches, stress, and anxiety causing physical symptoms." Compl. ¶ 67. Such allegations are distinct from "fear of cancer" cases because they focus on the emotional distress arising from having to undergo heightened monitoring now rather than a speculative fear of developing cancer at some future point. The Crowes have alleged a viable claim for NIED.

#### IV. CONCLUSION

For the reasons stated above, the court overrules LGH's preliminary objections. An appropriate order follows.

<sup>3</sup> *See, e.g., Gilbert v. R.J. Taylor Mem. Hosp., Inc.*, 458 S.E.2d 341, 342 (Ga. 1995) (lost specimen case survived motion for summary judgment based on question of fact whether hospital's negligence caused plaintiff to undergo unnecessary additional treatment).

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**ORDER**

AND NOW, this 18<sup>th</sup> day of March 2022, upon review of the record and after oral argument attended by counsel for both parties, it is hereby ORDERED that Defendant Lancaster General Hospital's preliminary objection is OVERRULED.

BY THE COURT:

LEONARD G. BROWN, III, JUDGE

September 19, 2022

**PUBLIC NOTICE**

**U.S. BANKRUPTCY JUDGESHIP VACANCY**  
**Western District of Pennsylvania**

Chief Judge Michael A. Chagares of the United States Court of Appeals for the Third Circuit announces the application process for a bankruptcy judgeship in the Western District of Pennsylvania, seated in Erie. A bankruptcy judge is appointed to a 14-year term pursuant to 28 U.S.C. § 152.

To be qualified for appointment an applicant must:

- (a) Be a member in good standing of the bar of the highest court of at least one state, the District of Columbia, or the Commonwealth of Puerto Rico and every other bar of which they are members.
- (b) (1) Possess and have a reputation for integrity and good character; (2) possess and have demonstrated a commitment to equal justice under the law; (3) possess and have demonstrated outstanding legal ability and competence; (4) indicate by demeanor, character, and personality that they would exhibit judicial temperament if appointed; and (5) be of sound physical and mental health sufficient to perform the essential duties of the office.
- (c) At the time of the initial appointment, not be related by blood or marriage, within the degrees specified in 28 U.S.C. § 458, to (1) a judge of the United States Court of Appeals for the Third Circuit, (2) a member of the Judicial Council of the Third Circuit, or (3) a judge of the district court to be served.
- (d) Have been engaged in the active practice of law for a period of at least five years. The Judicial Council may consider other suitable legal experience as a substitute for the active practice of law.

The selection process will be confidential and competitive. At present, the annual salary for this position is \$205,528. Applicants shall be considered without regard to race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age (40 years and over), or disability. The name of the person selected will be submitted to the Director of the Administrative Office, who shall request background reports by the Federal Bureau of Investigation (FBI) and the Internal

Revenue Service (IRS). In addition, a nominee for a bankruptcy judgeship may be required by the court of appeals to complete a preliminary disclosure statement that includes questions seeking sensitive financial and personal information. The disclosure must be filed with the court of appeals and will be kept confidential. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified as amended at 5 U.S.C. app. §§ 101-111).

The application process is entirely automated. No paper applications will be accepted. Applications must be submitted electronically by noon on October 19, 2022. Applications must be submitted only by the applicant personally, indicating the applicant's willingness to serve if selected. To apply, go to [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov) for more information or call the Circuit Executive's Office at 215-597-0718.

**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**

**Anderson, Irene K.**, dec'd.

Late of Manheim Township.  
Co-Executors: Julie A. Ketterman, Nan E. Ketterman, Susan E. Ketterman c/o Scott Alan Mitchell, Esq., Saxton & Stump, LLC, 280 Granite Run Dr., Ste. 300, Lancaster, PA 17601.  
Attorney: Saxton & Stump, LLC.

**Borrell, Fern O.**, dec'd.

Late of the Township of East Donegal.  
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Attorney: Kevin D. Dolan, Esq.

**Buckwalter, Ira M.**, dec'd.

Late of Earl Township.  
Executrix: Glenda Ballou.

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**Chambers, Charlotte L.**, dec'd.

Late of Eden Township.  
Administratrix: Rose Sensenig c/o Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., P.O. Box 60457, Harrisburg, PA 17106-0457.  
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**Feirick, Larry Lee a/k/a Larry L. Feirick, Sr.**, dec'd.

Late of Manheim Township.  
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Attorney: None.

**Gossard, Harvey E.**, dec'd.

Late of West Lampeter Township.  
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Attorney: Michael P. O'Day, Esq.

**Groves, Linda J.**, dec'd.

Late of the City of Lancaster.



Trustee: Gail Groves Scott c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

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**Herr, Barbara A.**, dec'd.

Late of Pequea Township.

Executor: Dennis J. Herr c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

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**Houser, Marilyn Claire**, dec'd.

Late of Millersville Borough.

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Attorney: Bradley A. Zuke.

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**Hutzel, Ruth**, dec'd.

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**Koppenhafer, Barbara M.**, dec'd.

Late of Manheim Township.

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Attorney: David P. Carson.

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**Kreider, Eleanor Joanne**, dec'd.

Late of West Lampeter Township.

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Attorney: Bradley A. Zuke.

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**Mihaliak, Teresa J.**, dec'd.

Late of Lancaster City.

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**Monteforte, Felicia A.**, dec'd.

Late of East Earl Township.

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**Mylin, J. Wilber a/k/a Jay Wilber Mylin**, dec'd.

Late of Lancaster City.

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Attorney: Trinity Law.

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**Wood, Athelia A. L. a/k/a Al**, dec'd.

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**Zhong, Yuan**, dec'd.

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Attorney: Gavin Casner Law.

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**SECOND PUBLICATION**

**Bolster, Elisabeth C.**, dec'd.

Late of West Lampeter Township.

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**Fabryka, Mildred T.**, dec'd.

Late of West Lampeter Township.

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Attorney: None.

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**Fulton, David Clair, Jr., a/k/a David C. Fulton, Jr., a/k/a David C. Fulton**, dec'd.

Late of Lancaster Township.

Administrator: Susan A. Fulton c/o Barbara Reist Dillon, Esquire, 212 North Queen Street, Lancaster, PA 17603.

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**Groff, Virginia M.**, dec'd.

Late of Lancaster City.

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**Hoover, Lydia L.**, dec'd.

Late of Narvon.

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**Irvine, Thomas D.**, dec'd.

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**Jacobs, Shirley E. a/k/a Shirley Evelyn Jacobs**, dec'd.

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**Landis, Kevin Eugene a/k/a Kevin E. Landis a/k/a Kevin Landis**, dec'd.

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**Martin, Francis M.**, dec'd.

Late of West Earl Township.

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**McClair, Gloria V.**, dec'd.

Late of Columbia Borough.

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**Roy, Marian N.**, dec'd.

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**Stehr, Sadie E.**, dec'd.

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**Stoner, Douglas W. a/k/a Douglas Weidler Stoner**, dec'd.

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**Tomlinson, William R., Jr.**, dec'd.

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**Tondora, John C.**, dec'd.

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**Tothero, Goldie M. a/k/a Goldie D. Tothero**, dec'd.

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**Weaver, Violetta M.**, dec'd.

Late of Warwick Township.

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**Weleski, Dennis M.**, dec'd.

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**Witmyer, John B.**, dec'd.

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**Woerth, E. Patricia**, dec'd.

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**THIRD PUBLICATION**

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**Adams, Ellie L.**, dec'd.

Late of Lancaster.

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**Baker, John J.**, dec'd.

Late of Lancaster Township.

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Kling, Deibler & Glick, LLP, 131  
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Attorney: Ashley A. Glick, Esq.,  
Kling, Deibler & Glick, LLP.

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**Bednarski, James F.**, dec'd.

Late of Lancaster Township.

Personal Representative: Jean  
F. Bednarski c/o John H. May,  
Esquire, 49 North Duke Street,  
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Attorney: May Herr & Grosh,  
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**Boris, Kevin Edward**, dec'd.

Late of Columbia Borough.

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Locust Street, Columbia, PA  
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**Bowman, Elsie K.**, dec'd.

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berger, Esquire.

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**Bradley, Jay L.**, dec'd.

Late of Elizabethtown Borough.

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**Burkey, Dorothea M. a/k/a Dorothea Mabel Burkey**, dec'd.

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Attorney: Nikolaus & Hohe-  
nadel, LLP.

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**Dommel, Lawrence K.**, dec'd.

Late of Upper Leacock Town-  
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Attorney: Jeffrey P. Ouellet, Es-  
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**Gaul, Darlene M. a/k/a Darlene Marie Gaul**, dec'd.

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Attorney: O'Day Law Associates.

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**Gebhart, John K.**, dec'd.

Late of the Township of Providence.

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Attorney: James R. Clark, Esq.

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**Grant, Nancy E.**, dec'd.

Late of Lititz.

Administrator: Jill Grant, 2217 Blossom Valley Road, Lancaster, PA 17601.

Attorney: None.

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**Hackman, Robert G.**, dec'd.

Late of Millersville Borough.

Executrix: Christine M. Stull c/o George H. Eager, Esquire, 1347 Fruitville Pike, Lancaster, PA 17601.

Attorney: Eager, Stengel, Quinn, Sofilka & Babic.

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**Hagmann, Estella M.**, dec'd.

Late of Leacock Township.

Executrix: Diane L. Hawthorne, 18 S. Westview Drive, Gordonville, PA 17529.

Attorney: None.

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**Hake, Esta E.**, dec'd.

Late of Manheim Township.

Executrix: Sandra C. Flick c/o Dennis L. Plank, Esq., Going & Plank, 140 E. King Street, Lancaster, PA 17602

Attorney: Dennis L. Plank, Esq.

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**Haverstick, H. Chester a/k/a Henry Chester Haverstick**, dec'd.

Late of Manor Township.

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stick, James K. Haverstick c/o J. Elvin Kraybill, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

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**Hershey, Betty M.**, dec'd.

Late of Leacock Township.

Executors: Karen L. Martin, Doris J. Neff, and Randall J. Hershey c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

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**Hurst, Dorothy C.**, dec'd.

Late of Manheim Township.

Executor: Gerald L. Hurst c/o George H. Eager, Esquire, 1347 Fruitville Pike, Lancaster, PA 17601.

Attorney: Eager, Stengel, Quinn, Sofilka, & Babic.

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**Keener, Margaret A. a/k/a Margaret Anne Keener**, dec'd.

Late of Lancaster.

Executrix: Margaret Mary Donegan c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNees Wallace & Nurick LLC.

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**Knox, Joseph C., Jr.**, dec'd.

Late of East Cocalico Township.

Executors: Wendy B. Martzall, Corey A. Knox c/o Kling, Deibler, & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

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

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**Kohl, Janice M.**, dec'd.

Late of Manheim Township.  
Executrix: Jeanne A. Brewer c/o  
Dennis M. Hartranft, Jr., Esq.,  
151 E. Main Street, Ephrata, PA  
17522.  
Attorney: Dennis M. Hartranft,  
Jr., Esq.

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**Koser, John G.**, dec'd.

Late of W. Hempfield Township.  
Executor: Bonnie Barrett c/o  
327 Locust Street, Columbia, PA  
17512.  
Attorney: John F. Markel, Ni-  
kolaus & Hohenadel, LLP, 327  
Locust Street, Columbia, PA  
17512.

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**Leed, Patricia K. a/k/a Patricia  
Kay Leed**, dec'd.

Late of Warwick Township.  
Administrator: Lisa Engroff c/o  
Law Office of Shawn Pierson,  
105 East Oregon Road, Lititz,  
PA 17543.  
Attorney: Shawn M. Pierson,  
Esq.

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**Lile, James T. a/k/a James  
Thomas Lile**, dec'd.

Late of Lancaster Township.  
Executors: Kenna P. Broadbent,  
Grace H. Lile c/o Pyfer, Reese,  
Straub, Gray & Farhat, P.C.,  
128 N. Lime Street, Lancaster,  
PA 17602.  
Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

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**Martin, Bryan C.**, dec'd.

Late of the Township of Man-  
heim.  
Executrix: Kimberly J. Reynolds  
c/o Marci S. Miller, Attorney,  
P.O. Box 5349 Lancaster, PA

17606.

Attorney: Gibbel Kraybill & Hess  
LLP.

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**Matt, Anthony D.**, dec'd.

Late of Warwick Township.  
Executor: Michele Matt c/o  
Young and Young, 44 S. Main  
Street, P.O. Box 126, Manheim,  
PA 17545.  
Attorney: Young and Young.

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**Penn, Thomas J., Jr.**, dec'd.

Late of West Lampeter Town-  
ship.  
Executor: Tracy Fender c/o May  
Herr & Grosh, LLP, 234 North  
Duke Street, Lancaster, PA  
17602.  
Attorney: Matthew A. Grosh.

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**Polak, Grace A.**, dec'd.

Late of Township of Manheim.  
Personal Representative: John  
S. Polak, Executor c/o Marci S.  
Miller, Attorney, P.O. Box 5349,  
Lancaster, PA 17606.  
Attorney: Gibbel Kraybill &  
Hess, LLP.

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**Rote, Ann Elizabeth a/k/a Ann  
E. Rote**, dec'd.

Late of the Township of Pequea.  
Executor: Daniel R. Rote c/o  
Mark L. Blevins, Esquire, 701  
Penn Grant Road, Lancaster, PA  
17602.  
Attorney: Mark L. Blevins, Es-  
quire.

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**Rudy, Shirley E.**, dec'd.

Late of Borough of Adamstown.  
Executor: Duane R. Rudy, 119  
East Main Street, Adamstown,  
PA 19501.

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Attorney: Jonathan B. Batdorf, Esquire, 317 East Lancaster Avenue, Shillington, PA 19706.

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**Rutt, Helen M.**, dec'd.

Late of West Lampeter Township.

Co-Executors: Linda L. Shreiner, Patty S. Roehm c/o Nancy Mayer Hughes, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

Attorney: Barley Snyder LLP.

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**Scott, Phyllis E.**, dec'd.

Late of Gap.

Administrator: Thomas G. Doman c/o Legacy Law, PLLC., 147 W. Airport Road, Suite 300, Lititz, PA 17543.

Attorney: Katelyn M. Haldeman, Esq.

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**Strauss, Thomas E., Jr.**, dec'd.

Late of Manor Township.

Executrix: Linda W. Strauss c/o Blakinger Thomas, PC, 28 Penn Square, P.O. Box 1889, Lancaster, PA 17608-1889.

Attorney: Blakinger Thomas, PC.

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**Teisen, Janet G. a/k/a Janet Gabrielsen Teisen**, dec'd.

Late of West Lampeter Township.

Executor: Steven K. Teisen c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.

Attorneys: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

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**Wright, Nathaniel**, dec'd.

Late of Lancaster.

Executor: Carla M. Gardner,

526 Green Street, Lancaster, PA 17602.

Attorney: John Lewis Rollins, Esquire, 1408 Burke Road, West Chester, PA 19380.

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**ARTICLES OF DISSOLUTION**

Notice is hereby given that **Hair Direct, Inc.**, a Pennsylvania corporation located at 1866 Colonial Village Lane, Suite 106, Lancaster, PA 17601, is being dissolved and is now engaged in winding up proceedings so that its corporate existence shall be ended in accordance with Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended. Any persons having claims against the corporation shall mail them to Hair Direct, Inc., c/o Saxton & Stump, 280 Granite Run Drive, Suite 300, Lancaster, PA 17601.

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**ARTICLES OF INCORPORATION**

**Rise Lacrosse Club, Inc.** was incorporated on September 13, 2022 under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for fostering national and international amateur sports competition and for charitable and educational purposes.

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**ASSUMED NAME NOTICE**

**CONSTRUCTIVE NOTICE IS HEREBY GIVEN:** That ASSUMED NAMES was executed by: Moorish Science Temple No.16-Moorish Missions No. 2 and King Juba and Ruth the Moabite Trust for



the Trade Names, any and all variations DBA: CYHIENRA JUBA BARNES BEY© Instrument Number 1171073700029MN and MICHELLE ALIMATOU NAJAT BARNES BEY © Instrument Number 1171060028MN Filed in State of Minnesota on 10<sup>th</sup> day of August; filed as UCC 1 in the State of Pennsylvania and Lancaster County 28<sup>th</sup> day of October 2021. A copy of lien and fee schedule is located in the Lancaster County Recorder of Deeds Office Instrument # 6651138, 6641577 respectively. PA State Instrument Number 2011092001754, in the State of Maryland Inst.# 220323-1514001 and UCC3 220914- 1217000. Original copies of Assumed Name, UCC 1, UCC 3 and Lien and Fee schedules are located at Regional Office 1400 Harrisburg Pike Unit 8606, GP, RFD, Lancaster Pennsylvania 17604.

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#### CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of **John Douglas Sensenig Hoffman** to June Sensenig Hoffman. A hearing on the Petition will be held on November 15, 2022 at 1:30 p.m. in Courtroom No. 4, on the 3rd floor of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

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#### FICTITIOUS NAME NOTICE

Sandra Yecker, Ph.D. of Lancaster, PA. did file in the office of the Secretary of the Commonwealth of Pennsylvania on September 15<sup>th</sup>, 2022. Registration of the name **Spannkroft** under which it intends to do business at 2173 Embassy Drive Lancaster, Pa 17603, pursuant to the provisions of the Act of Assembly of December 16, 1982, Chapter 3, Known as the "Fictitious Name Act".

Spencer Law Firm LLC

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#### NOTICES OF CIVIL ACTION

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY  
CIVIL ACTION – LAW

**No. CI-21-07861**

SHOEMAKER TRUCKING & EXCAVATING, INC., Plaintiff

v.

MOR-MAC LOGISTICS, LLC &  
RYAN M. KREIDER, Defendants  
TO: **MOR-MAC LOGISTICS, LLC**  
& RYAN M. KREIDER

You are hereby notified that Shoemaker Trucking & Excavating, Inc., has filed a civil action against you for breach of contract and unjust enrichment.

NOTICE

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



You may lose money or property or other rights important to you.

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

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

Lancaster Co. Bar Assoc.  
Lawyer Referral Service  
28 E. Orange St.  
Lancaster, PA 17602  
717-393-0737

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relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

Lancaster Bar Association  
Lawyer Referral Service 28 East  
Orange Street Lancaster, PA  
17602 Telephone: 717-393-0737

Blakinger Thomas, PC  
Fulton Township Solicitor

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IN THE COURT OF COMMON  
PLEAS OF LANCASTER COUNTY  
CIVIL ACTION - LAW

**No. CI-22-03008**  
FULTON TOWNSHIP,  
Plaintiff

v.  
SHEILA ELAINE JONES,  
Defendant

**TO: Sheila Elaine Jones**

You are hereby notified that Plaintiff Fulton Township seeks judgment against you in the above judgment revival proceeding.

**NOTICE**

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

**NOTICE OF JUDICIAL TAX SALE**

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

**NOTICE IS HEREBY GIVEN THAT THE LANCASTER COUNTY TAX CLAIM BUREAU WILL HOLD A JUDICIAL TAX SALE OF THE FOLLOWING PROPERTIES IN LANCASTER COUNTY, PA ON MONDAY, NOVEMBER 14, 2022 AT 9:00 A.M. TO 3:00 P.M. [HTTPS://WWW.GOVDEALS.COM/LCTCB2022JUDICIALTAX-](https://www.govdeals.com/LCTCB2022JUDICIALTAX-)**

**SALE FOR THE COLLECTION OF DELINQUENT REAL ESTATE TAXES AS REQUIRED BY THE REAL ESTATE TAX SALE LAW (72 P.S. 5860.610 ET SEQ):**

Lot – Riverview Road, Fulton Township

Owner: Nicholas S. Anderton  
Tax Parcel No. 280-51337-0-0000  
Docket No. 22-02168

Lot – Covered Bridge Road, Conoy Township

Owner: Charles F. Durborow, Jr.  
Tax Parcel No. 130-40001-0-0000  
Docket No. CI-02160

425 S. Market Avenue, Rear; Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-99660-0-0000  
Docket No. CI-22-02156

429 S. Market Avenue, Rear; Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-98720-0-0000  
Docket No. CI-22-02156

427 S. Market Avenue, Rear; Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-99137-0-0000  
Docket No. CI-22-02156

431 S. Market Avenue, Rear; Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-98404-0-0000  
Docket No. CI-22-02156

433 S. Market Avenue, Rear; Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-98187-0-0000  
Docket No. CI-22-02156

435 S. Market Avenue, Rear;

Mount Joy Borough

Owner: Jones & Zink, Inc.  
Tax Parcel No. 450-97458-0-0000  
Docket No. CI-22-02156

5311 Lincoln Highway; Salisbury Township

Owner: Lakeland West Capital VI, LLC  
Tax Parcel No. 560-61308-0-0000  
Docket No. CI-22-02172

Lot – Mountain Road; Rapho Township

Owner: Harold Lehman and Doris Lehman  
Tax Parcel No. 540-73683-0-0000  
Docket No. CI-22-02159

977 Rettew Mill Road; Lot #76; Ephrata Township

Owner: Matthew J. Lorditch and Karen L. Lorditch  
Tax Parcel No. 270-02751-3-0088  
Docket No. CI-22-02162

Lot – Lime Street; West Donegal Township

Owner: Paulino Trevino  
Tax Parcel No. 160-23500-0-0000  
Docket No. CI-22-02166

Lot – Akron Road; Ephrata Township

Owner: Unknown  
Tax Parcel No. 270-62838-0-0000  
Docket No. CI-22-02169

**JUDICIAL TAX SALE  
CONDITIONS OF SALE (2022)**

Winning bidders will receive a Buyer's Certificate from Gov-Deals as their notice of a winning bid. The winning bidder shall be required to make payment in full by certified check, or money order payable to County of Lancaster at the Lancaster County Tax Claim

Bureau located at 150 N. Queen Street, Suite 122, Lancaster, PA 17603 by 12:00 PM EST of the next business day following the tax sale at which time the winning bidder shall also present a copy of the Buyer's Certificate to the Tax Claim Bureau. Winning bidders shall be required to pay the bid in full and in addition to their bids, the buyer's auction fee (5% of the winning bid), the cost for recording each deed, and the cost of such transfer tax stamps as may be necessary. Failure to submit payment in full by 12:00 PM EST of the next business day shall result in a default and may prevent the bidder from being approved to bid at future tax sales. The Tax Claim Bureau reserves the right to accept or reject any or all bids in accordance with the Real Estate Tax Sale Law and these Conditions of Sale. If the conditions of sale are not adhered to, the property shall be re-exposed to sale immediately or at the latest, before the end of the tax sales. All sales will be final and no adjustments will be made after the Tax Sale is closed. Buyers will be required to pay, as part of their bids, the cost for recording each deed, and the required transfer tax. Deeds will be prepared by the Bureau and recorded.

The above properties are being sold pursuant to Orders of Court docketed to the above referenced numbers obtained in accordance with 72 P.S. 5860.610 *et seq.*, free and clear of all tax and municipal claims, mortgages, certain liens, charges and estates, except separately taxed ground rents. It is strongly urged that prospective purchasers examine the docketed Prothonotary file and the title to any property in which they may

be interested and consult with an attorney with regard thereto. Each property is offered for sale by the Tax Claim Bureau without any guarantee or warranty whatsoever, either as to existence, correctness of ownership, size, boundaries, location, structures or lack of structures upon the land, liens, title, condition of the property or any matter or thing whatsoever, including but not limited to environmental conditions such as possible wetlands, storm water drainage matters, underground storage tanks or hazardous or toxic waste or materials in, on, or under the property. Prior advertisement for these properties was made in the Lancaster Newspaper on October 8, 2021, the Ephrata Review on October 13, 2021, and the Lancaster Law Review on October 8, 2021.

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

**Pre-registration is required.**

Registration for the Judicial Tax Sale can be completed online at <https://www.govdeals.com/lctc-b2022JudicialTaxSale>

from October 10, 2022 thru November 4, 2022 at 5:00 p.m. All bidders will be required to fill out and sign a bidder registration form, complete and submit a notarized bidder's affidavit and certificate, and will be required to present a photo ID in order to bid. Purchasers bidding on a property on behalf of another individual or entity must present a fully executed Power of Attorney that has been recorded in the Recorder of Deeds Office prior to the time of completing the bidder registration form. If an individual is planning to bid in the name of a corporation, partnership, LLC or any other business entity, said individual must have the appropriate official documentation to show proof of authority to bid on behalf of said entity as well as official proof that said entity is a duly registered legal entity as appropriate. Signature on the bidder registration form is an acknowledgment of the signor's full and complete understanding of these Conditions of Sale and agreement to be bound thereby.

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

BY: THE LANCASTER COUNTY  
TAX CLAIM BUREAU

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## ORPHANS' COURT NOTICE

Orphans' Court Division  
Auditing Notices

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

October 4, 2022

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

1. BIXLER, SHERRY LEE, aka Sherry Lee Caswell-Bixler, aka Sherry L. Bixler, decd., 2016-1198. First & Final Acct., Anthony D. Caswell, Exec. & Atty.
2. BRADLEY, CHARLES F., SR., decd., 2021-1454, First & Final Acct., Zachary C. Bradley, Exec., Daniel A. Stephenson, Atty.

Anne L. Cooper  
Clerk of the Orphans' Court  
Division of the Court of Common  
Pleas.

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**SUITS ENTERED**

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

September 15, 2022  
to September 21, 2022

BROWN, RYAN M., KOLP, DENISE M.; Jorge Rodriguez-Adorno; 05781; Kinzel

COMMONWEALTH OF PENNSYLVANIA; Joshua D. Sickmeier; 05810; Patterson

COMMONWEALTH OF PENNSYLVANIA; Manuel Orozco Ceballos; 05748; Ivory

COMMONWEALTH OF PENNSYLVANIA; Olivia Jade Moyer; 05794

EABY, BERNICE, DOE, JOHN; Justin Arndt; 05788; Granato

ESBENSHADE, JOAN E.; Verna Petersheim; 05717; Kennett

GROFF, COLLIN; Atlantic States Insurance Company; 05753; Anderson

HALTERMAN, MELISSA; State Farm Bank; 05745, Ratchford

MAHAN, EMLEY C., MAHAN JR., JOHN R.; Solanco School District; 05733; Boehret

MARTIN, VERNON, SHEARER, BENJAMIN, US RETAIL FLOWERS INC, ROYER'S FLOWERS & GIFT; Jean Paul Nissly; 05818; Pedicone

NELSON, KATELYN; Goldman Sachs Bank USA; 05750; Loewy

ODONNELL, RITA, DOES 1-5, JOHN; Lee Townes; 05792; Quinn

PINO, VANESSA L., PINO, ANNOLAN; Greenawalt Roofing Company; 05712; Wertz

RALEY, JACK; Conestoga View

SNF Operations LLC; 05734; Eismann

RAMBLER, ALICIA; Midland Funding LLC; 05744; Ratchford

ROCKSTROH, WANDA; Melinda H. Zimmerman; 05749; Hohenadel

WEAVER, RANDALL S.; Solanco School District; 05735; Boehret

WILSON, JAMES, WILSON, MARTHA, SLADE, COLLEN; Alicia Montano; 05731; Simon

YEAGER, CHASE BRADEN, YEAGER, TARA; Paul D. Creswell; 05811; Hagelgans