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WEAVER AND SARAH WEAVER

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FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Names Act of Pennsylvania (54 Pa.C.S. Section 301 et. seq.), that an application for registration of a Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania, for the conduct of a business under the Fictitious Name of ALECIABLU PRESS, with its principal office or place of business at 116 Main Street, York Springs, PA 17372. The names and addresses of all persons who are parties to the registration are: Daena M. Creel, 116 Main Street, York Springs, PA 17372.

12/7

NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees, and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts, and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, December 21, 2018 at 8:30 a.m.

PLOTICA — Orphans' Court Action Number OC-128-2014. The First and Final Account of Mark P. Plotica, Administrator of the Estate of Philip G. Plotica, late of Mount Joy Township, Adams County, Pennsylvania.

STERBUTZEL — Orphans' Court Action Number OC-137-2018. The First and Final Account of David Sterbutzel, Executor of the Estate of Rolla Richard Sterbutzel, late of Cumberland Township, Adams County, Pennsylvania.

STOUGH — Orphans' Court Action Number OC-139-2018. The First and Final Account of Norma Marie Wagner, Executrix of the Estate of Ronald Stough, late of Reading Township, Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

12/7 & 14

IN THE COURT OF COMMON PLEAS
OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

IN RE: P.J.E.

Petition for Change of Name
of Minor

NOTICE

NOTICE IS HEREBY GIVEN that on August 22, 2018, the Petition of Jill Marie DeMarco and Ian Bradley DeMarco, requesting for a decree to change the name of the minor from P.J.E. to P.J.D. was filed.

The Court have affixed December 21, 2018, at 10:00 a.m. in the Adams County Courthouse, Courtroom No. 4, Gettysburg, Adams County, Pennsylvania, as the time and place for the hearing of said Petition when and where all persons interested may appear and show cause, if any they have, why the prayer of Petitioner should not be granted.

Jeffery M. Cook
Attorney for Petitioners
234 Baltimore Street
Gettysburg, PA 17325
717-334-8516

12/7

MID-ATLANTIC COOPERATIVE SOLUTIONS, INC., D/B/A
AERO ENERGY VS. JOYCE E. MILLER, JAMES L.
MILLER, JEFFREY D. WEAVER AND SARAH WEAVER

1. In considering the preliminary objection for lack of specificity, it is noted that Pennsylvania is a fact-pleading jurisdiction, which requires a complainant to formulate the issues by summarizing in the complaint those facts essential to support a claim.

2. Instantly, the Complaint sufficiently alleges allegations to support each of the separate legal theories against which James Miller must defend.

3. As a result, in each of the counts, Mid-Atlantic is seeking judgment against James Miller in an amount in excess of \$213,000. Several paragraphs in the Complaint, however, limit the benefits received by James Miller to approximately \$140,253. Under this scenario, it is difficult to determine within each count whether Mid-Atlantic is seeking judgment against James Miller equal to this lower figure or rather in excess of the \$213,000 sum.

4. Accordingly, James Miller's preliminary objection for lack of specificity will be granted.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 18-S-458 MID-ATLANTIC COOPERATIVE
SOLUTIONS, INC., d/b/a AERO ENERGY VS. JOYCE E. MILLER,
JAMES L. MILLER, JEFFREY D. WEAVER, and SARAH
WEAVER

Justin A. Tomevi, Esq., Attorney for Plaintiff

Joyce E. Miller, Defendant

Paul B. Royer, Esq., Attorney for Defendant James L. Miller

George, P. J., November 19, 2018

OPINION

Mid-Atlantic Cooperative Solutions, Inc. ("Mid-Atlantic") has filed suit against Joyce E. Miller, James L. Miller, Jeffrey D. Weaver, and Sarah Weaver seeking to recover in excess of \$213,000 allegedly stolen from the company between January 1, 2009 and August 4, 2017. The Complaint claims Joyce Miller was employed by Mid-Atlantic as payroll manager during the relevant time period and, while acting in that capacity, altered Mid-Atlantic's payroll system to inflate, without authorization, the paychecks received from Mid-Atlantic by herself and her son, Jeffrey Weaver. The Complaint further theorizes that James Miller and Sarah Weaver, as spouses of Joyce Miller and Jeffrey Weaver, respectively, participated in and received the benefits of the criminal enterprise. The Complaint includes a single count of breach of fiduciary duty against Joyce

Miller and numerous counts against all Defendants on the theories of conversion, fraud, unjust enrichment, and conspiracy. Defendants Joyce Miller, Jeffrey Weaver, and Sarah Weaver have failed to answer the Complaint resulting in the entry of default judgment against Joyce Miller. Additionally, Mid-Atlantic discontinued the litigation against Jeffrey and Sarah Weaver leaving only the claim against James Miller remaining active. James Miller has filed Preliminary Objections alleging lack of specificity and demurring to the various counts against him. Those Preliminary Objections are currently before the Court for disposition.

In considering the preliminary objection for lack of specificity, it is noted that Pennsylvania is a fact-pleading jurisdiction, which requires a complainant to formulate the issues by summarizing in the complaint those facts essential to support a claim. *Youndt v. First Nat. Bank of Port Allegany*, 868 A.2d 539 (Pa. Super. 2005). The purpose of this rule is to require a suing party to disclose the material facts sufficient to enable the adverse party of notice of the nature of plaintiff's claim as well as to enable the defendant the ability to prepare a defense. *Donaldson v. Davidson Bros., Inc.*, 144 A.3d 93 (Pa. Super. 2016). When considering whether the claims within the complaint have been "stated with adequate specificity," the court must not just look at a particular paragraph in isolation, but rather the paragraph must be read in context with all other allegations in the complaint. *Yacoub v. Lehigh Valley Med. Assocs., P.C.*, 805 A.2d 579, 589 (Pa. Super. 2002).

Instantly, the Complaint sufficiently alleges allegations to support each of the separate legal theories against which James Miller must defend. When read collectively, the allegations paint a factual scenario which, if true, describes Mid-Atlantic being deprived of a significant amount of money of which James Miller unjustly received the benefit. The Complaint further alleges James Miller was aware of his wife's unlawful acts at the time he intentionally accepted possession and use of the benefits. Although these allegations are sufficient to meet the elements of each of the several claims, further discussion is necessary due to the nature of Mid-Atlantic's Complaint.

With the exception of the breach of fiduciary duty claim, the Complaint lumps the several Defendants together in each of the separate counts. As a result, in each of the counts, Mid-Atlantic is

seeking judgment against James Miller in an amount in excess of \$213,000. Several paragraphs in the Complaint, however, limit the benefits received by James Miller to approximately \$140,253. Under this scenario, it is difficult to determine within each count whether Mid-Atlantic is seeking judgment against James Miller equal to this lower figure or rather in excess of the \$213,000 sum. This lack of clarity makes it difficult to determine whether factual basis exists to support the larger demand and, conversely, makes it difficult to ascertain the parameters of the claim, which James Miller must defend. The lack of specificity thwarts the purpose of the Rules of Civil Procedure by burdening the Court with the responsibility of deciphering the separate demand against each Defendant in each of the separate causes of action. Accordingly, James Miller's preliminary objection for lack of specificity will be granted.

Plaintiff will be given the opportunity to file an Amended Complaint, which specifically identifies the amount in controversy for each of the several Defendants where elements of a particular cause of action limit recovery to the value of the actual deprivation or benefit received. If Mid-Atlantic is proceeding under a theory that Defendant James Miller is responsible for the total amount received by all Defendants, the Amended Complaint must set forth sufficient facts to support each of the separate legal theories.

For the foregoing reasons, the attached Order is entered.¹

ORDER OF COURT

AND NOW, this 19th day of November, 2018, Defendant James L. Miller's preliminary objection for lack of specificity is granted. Plaintiff is granted twenty (20) days from the date of this Order within which to file an Amended Complaint.

¹ The Court notes that Defendant James Miller has demurred to each of the claims against him. Once the amount in controversy is clarified, the allegations in the Complaint are sufficient to support each cause of action. *See Slaybaugh v. Newman*, 479 A.2d 517 (Pa. Super. 1984).

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF VIRGINIA C. BARBOUR a/k/a VIRGINIA M. BARBOUR, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Kathy Barbour Prosser and James S. Barbour, c/o John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF ALLEN L. CLINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Holly Cookerly, Jill Davidson and Tammy Kehr, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

ESTATE OF PHYLLIS H. KITZMILLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Cynthia A. Ford, 2776 Meadow Drive, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MICHAEL M. SHEMON, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Michael L. Shemon and Donald E. Shemon, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

ESTATE OF ROY SWEIGART, JR., DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Suzanne Elizabeth Sweigart, 95 Harvest Drive, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

SECOND PUBLICATION

ESTATE OF JOSEPH E. BOWMAN, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Dixie Lee Turner, 220 Harbaugh Valley Road, Fairfield, PA 17320

Attorney: Robert E. Campbell, Esq., Salzmann Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF GLORIA E. GALL, DEC'D

Late of Freedom Township, Adams County, Pennsylvania

Administrator: David Conrad Gall, 1367 Fields Creek Road, Independence, WV 26374

ESTATE OF CHANDA K. GRAY, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Pamela Gray, 4820 Old Harrisburg Road, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET E. GREENHOLT, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Jessica A. Clabaugh, 880 Kohler School Road, New Oxford, PA 17350

Attorney: Thomas E. Miller, Esq., Law Office of Thomas E. Miller, Esquire LLC, 249 York Street, Hanover, PA 17331

THIRD PUBLICATION

ESTATE OF DAVID N. POLLARD, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executrix: Cynthia S. Pollard, 87 Kimberly Lane New Oxford, PA 17350

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

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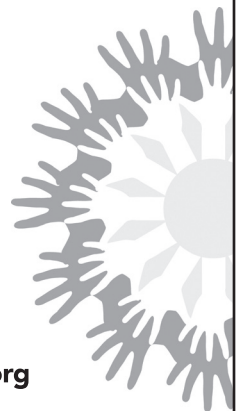
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