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### Estate Notices

#### DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

#### FIRST PUBLICATION

### Estate Notices

ESTATE OF JAMES W. CALDWELL, JR. a/k/a JAMES ANDREWS (died: July 10, 2015), late of Rockaway Park, New York. Executrix: Geraldine Walker, 2600 George Street, Harrisburg, PA 17109. Attorney: Gerald S. Robinson, P.O. Box 5320, Harrisburg, PA 17110. jy14-28

ESTATE OF MARY ANN M. KELEMEN, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: ROSALIE KELEMEN, 40 Brighton Street, Harrisburg, PA 17113 or to Attorney: ELIZABETH B. PLACE, ESQUIRE, SkarlatosZonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. jy14-28

ESTATE OF JAMES W. CALDWELL, (died: October 31, 2009), late of Susquehanna Township. Executrix: Geraldine Walker, 2600 George Street, Harrisburg, PA 17109. Attorney: Gerald S. Robinson, P.O. Box 5320, Harrisburg, PA 17110. jy14-28

ESTATE OF WINIFRED A. DONADEE, (died: April 10, 2017), late of Dauphin County, PA. Executor: Walter Tomlinson; Attorney: Steven P. Miner. Esquire, Daley Zucker Meilton & Miner, LLC, 635 N. 12th Street, Suite 101, Lemoyne, PA 17043. jy14-28

ESTATE OF CHARLES D. JACOBS, (died: May 28, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Larry A. Jacobs, 5350 South County Road, Commisery, Indiana 47227. Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. jy14-28

ESTATE OF SHIRLEY A. CAMPBELL, (died: June 16, 2017), late of Jackson Township, Dauphin County, Pennsylvania. Executrix: Sandra D. Buffington, 92 Highland Circle, Halifax, Pennsylvania. Attorney: Terrence J. Kerwin, Kerwin & Kerwin, LLP, 4245 Route 209, Elizabethtown, Pennsylvania 17023. jy14-28

- a. full and complete written report of his/her findings and opinions to the parties at the conclusion of the work, and shall be fully prepared to testify as may be necessary at a Hearing Board proceeding thereafter.
2. Once the City and the Petitioner receive the above-mentioned professional reports, the City shall notify the Hearing Board of its preparedness to re-engage in a Supplementary Hearing concerning the issue of legal ownership of the Wall and its adjunct structures.
3. Upon receiving said notice to re-engage in the adjudicatory process of determining legal ownership of the Wall and adjunct structure, the Hearing Board shall immediately set a feasible date, time and location to conduct further proceedings in this matter and to receive evidence of the legal title to the premises of the Wall and determine ownership of the same. The representatives of the parties, their counsel, all witnesses, together with the Hearing Board members and their counsel shall adjust their respective schedules and activities to accommodate the timelines set forth in this Remand Order and as also discussed in the accompanying Memorandum Opinion published this date.
4. After the Hearing Board has completed its tasks and issued a Supplementary Decision concerning the same, that Decision and the complete record of proceedings shall be re-deposited with the Prothonotary for further review and action by the Court. The Court hereby retains jurisdiction of this entire case until final disposition by the Court.

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### Kline v. Commonwealth

#### Employment Discrimination - Pennsylvania Human Relations Act

Plaintiff, a graduate of the Pennsylvania State Police Academy and a probationary trooper receiving extended field training, was dismissed due to dereliction of duty, since he could not perform all the mandatory job duties/essential job functions required of a Pennsylvania State Trooper, even with reasonable accommodations. He claimed that he was discharged because of a learning disability and the perception that he had a disability, which constituted illegal discrimination in violation of the Pennsylvania Human Relations Act. The Court found that Plaintiff failed to make a *prima facie* case of discrimination based on disability. Additionally, Defendant clearly articulated non-discriminatory reasons to justify the dismissal, and Plaintiff made no effort to put forth evidence of pretext to rebut those reasons.

1. The Pennsylvania Human Relations Act was enacted to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, handicap or disability . . . and to safeguard their right to obtain and hold employment without such discrimination . . . . 43 P.S. § 952(b).
2. A plaintiff alleging unlawful discrimination based on a disability must set forth a *prima facie* case by proving (1) he is a disabled person within the meaning of the law; (2) he is otherwise qualified to perform the essential functions of the job, with or without reasonable accommodations by the employer; and (3) he has suffered an otherwise adverse employment decision as a result of discrimination. *Khula v. State Correctional Inst.-Somerset*, 145 A.3d 1209, 1212-13 (Pa. Cmwlth. Ct.
3. Once a plaintiff establishes a *prima facie* case, the burden of production shifts to the employer to produce evidence of a legitimate, nondiscriminatory reason for not hiring the plaintiff. *General Electric Corp. v. Com. Human Relations Commission*, 365 A.2d 649, 656 (Pa. 1976); *Harrisburg School District v. Pennsylvania Human Relations Commission*, 466 A2d 760, 763 (Pa. Cmwlth. Ct. 1983).

Pa.R.A.P. 1925(a) Opinion. C.P., Dau. Co., No.2008-CV-9485.

*Nathan C. Pringle, Jr.*, for the Plaintiff

*Keli M. Neary*, for the Defendant

Serratelli, J., June 19, 2017,

### **OPINION**

Following a two-day bench trial on Plaintiff's employment discrimination claim, this court issues this Opinion.

### **Factual Background**

On September 22, 2005, Plaintiff Kline (hereinafter "Kline") was accepted as a Cadet and subsequently graduated from the Pennsylvania State Police Academy as a Trooper. *Compl.*, 07/30/08, ¶ 4. On November 6, 2006, he was dismissed as a Pennsylvania State Trooper. *Def.'s Ans. to Pl.'s Compl.*, 09/25/08, ¶ 6.

According to Kline, he was diagnosed with a "learning disability" back in 1987 when he was in the 1<sup>st</sup> grade. It is his position that Defendant's (hereinafter "PSP") perception of Kline "having a disability" caused PSP to provide Kline with "inferior training in violation of Pennsylvania State Police regulations." *Compl.*, 07/30/08, ¶ 8. Consequently, Kline asserts that this inadequate training inhibited "Plaintiff's success as a Trooper." *Compl.*, 07/30/08, ¶ 12. Therefore, according to Kline he was discharged because of (1) the presence of his disability and (2) the perception that he had a disability, which constituted illegal discrimination in violation of PHRA 43 P.S. 951-963. *Compl.*, 07/30/08, ¶ 23.

### **Procedural History**

On May 10, 2007, Kline cross-filed a Complaint with the Pennsylvania Human Relations Commission and the U.S. Equal Employment Opportunity Commission. Thereafter, he filed a complaint in the Dauphin County Court of Common Pleas on July 30, 2008. PSP filed their Answer on September 25, 2008. On March 7, 2014, PSP filed its Motion for Summary Judgment. Kline filed his Response to Defendant's Motion for Summary Judgment on April 3, 2014.

On July 15, 2015, a purge Order was issued instructing Kline to either mark this case "settled", "discontinued", or to file an "Administrative Application for a Status Conference" otherwise the case would be "terminated with prejudice in accordance with Pa. R.J.A. 1901" within 30 days. After Kline's failure to comply with the July 15, 2015 Order, the court issued an Order on August 25, 2015 terminated this case with prejudice in accordance with Pa. R.J.A. 1901. Two days later, Kline filed an Administrative Application for Status Conference indicating that the parties are waiting for a ruling by the court on PSP's Motion for Summary Judgment. Subsequently, on September 24, 2015, Kline filed a Motion for Reconsideration of the Order Terminating the Instant Case. On October 1, 2015, an Order was issued

granting Plaintiff's Motion for Reconsideration and vacating the August 25, 2015 Order. Ultimately, on May 17, 2016, Defendant's Motion for Summary Judgment was denied.

This court held a Status Conference on August 30, 2016 at which the parties agreed to Case Management deadlines and to have the case listed for trial on November 15, 2016. PSP filed their Pre-Trial Statement on October 27, 2016. Kline did not file his Pre-Trial Statement. A pre-trial conference was held on November 1, 2016, and trial commenced as scheduled on November 15, 2016.

After the conclusion of Kline's case in chief, PSP made an oral motion for a directed verdict in the nature of a demurer on the basis that Plaintiff had not presented sufficient evidence to prove a prima facie case of discrimination based upon a disability. The court denied the motion at the initial stage of the proceeding based on the fact Kline had put forth sufficient evidence to establish a prima facie case that he had a disability; that he was qualified to perform the essential functions of the job, as enumerated by Kline, with or without accommodations by the employer, for the position; and that an adverse action had been taken against him as a result of discriminatory action based by PSP.

On November 17, 2016, upon conclusion of the bench trial, this court ordered the parties to submit proposed findings of fact and conclusions of law within 30 days. After a few continuance motions were granted, both parties submitted their respective Proposed Findings of Fact and Conclusions of Law on February 2, 2017.

### Discussion

The Pennsylvania Human Relations Act (hereinafter "PHRA") was enacted "to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, sex, national origin, handicap or disability . . . and to safeguard their right to obtain and hold employment without such discrimination . . ." 43 P.S. § 952(b). Pursuant to Section 5 of the PHRA, it is an

unlawful discriminatory practice, unless based upon a bona fide occupational qualification . . . for an employer because of the non-job related handicap or disability of any individual to refuse to hire or employ such individual . . . if such individual is best able and most competent to perform the services required . . .

43 P.S. § 955.

Both the PHRA and federal law, the Americans with Disabilities Act (hereinafter "ADA") "prohibit an employer from discriminating against an employee because of a disability." *Imler v. Hollidaysburg Am. Legion Ambulance Serv.*, 731 A.2d 169, 172 (Pa. Super. Ct. 1999). As such, each statute is "interpreted in a co-extensive manner . . . because the PHRA and ADA deal with similar subject matter and are grounded on similar legislative goals." *Id.* at 173. Therefore, the Pennsylvania Superior Court has held that the decisions of the federal courts are used as guidance to interpret the PHRA. *Id.* at 174; *see also Kelly v. Drexel University*, 94 F.3d 102, 105 (3d Cir. 1996) ("[w]hile the Pennsylvania courts are not bound in their interpretations of Pennsylvania law by federal interpretations of parallel provisions in

Title VII, the ADA, or the ADEA, . . . its courts nevertheless generally interpret the PHRA in accord with its federal counterparts”) (internal citations omitted). Overall, “[t]he PHRA must be construed liberally for accomplishment of the purposes thereof.” *Hull v. Rose, Schmidt, Hasley & DiSalle P.C.*, 700 A.2d 996, 999 (Pa. Super. Ct. 1997).

### *Prima Facie Case*

A plaintiff alleging unlawful discrimination based on a disability must set forth a *prima facie* case by proving the following:

- (1) he is a disabled person within the meaning of the law;
- (2) he is otherwise qualified to perform the essential functions of the job, with or without reasonable accommodations by the employer; and
- (3) he has suffered an otherwise adverse employment decision as a result of discrimination.

*Khula v. State Correctional Inst.-Somerset*, 145 A.3d 1209, 1212-13 (Pa. Cmwlth. Ct. 2016), *reargument denied* (Oct. 14, 2016).

Under the PHRA, a “disability” is defined as “(1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment . . . .” 43 P.S. § 954(p.1); *see also* 42 U.S.C. §12102(1) (relating to the ADA definition of “disability”).

### *Definitions of Disability*

Regarding the first section of this definition, a physical or mental impairment includes “a mental or psychological disorder, such as mental illness, and specific learning disabilities.” *16 Pa. Code* § 44.4; *see also* 29 C.F.R. § 1630.2(h)(2) (2012). “[M]ajor life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.” 42 U.S.C. §12102(2). “[T]he determination of whether a plaintiff’s impairment ‘substantially limits’ a major life activity will require an individualized assessment that compares the person’s ability to perform the activity as compared to most people in the general population.” *Fuoco v. Lehigh University*, 981 F.Supp.2d 352, 362 (E.D. Pa. 2013) (citing 42 U.S.C. § 12102(4)(A)).

Under the second definition, the plaintiff must show a record of impairment existed. “In order to establish a ‘record of such impairments’ there must exist ‘a record relied on by an employer indicat[ing] that the individual has or has had a substantially limiting impairment.’” *Drwal v. Borough of West View, Pa.*, 617 F.Supp.2d 397, 410 (W.D. Pa. 2009) (citing 29 C.F.R. pt. 1630; 29 C.F.R. § 1630.2(k)).

Under the third section, “[t]o prevail under the ‘regarded as’ prong of the ADA’s definition of disability, plaintiff must show that defendant ‘mistakenly believe[d] that [plaintiff] ha[s] a physical impairment that substantially limits one or more major life activities’ or ‘mistakenly believe[d] that an actual, nonlimiting impairment substantially limits one or more major life activities.’” *Id.* (citing *Sutton v.*

*United Air Lines, Inc.*, 527 U.S. 471, 489 (U.S. 1999). Moreover, it is inadequate for a plaintiff to show that defendant viewed him as impaired in some way; instead, it must be shown that defendant viewed him as disabled ‘within the meaning of the statute . . . .’” *Id.* (citing *Rinehimer v. Cemcolift, Inc.*, 292 F.3d 375, 381 (3d Cir. 2002)).

*Application of the Definitions of Disability*

In the case before this court, Kline’s Complaint indicates that he was unlawfully discriminated against by PSP because of his disability. Specifically, he contends that “[a]s a direct result of the PSP’s perception of Kline as having a disability, the Kline was given inferior training in violation of PSP violations.” *Compl.*, 07/30/08, ¶ 8. Furthermore, Plaintiff alleged that he was “discharged because he was, and perceived to be, disabled in violation of PHRA 43 PS 951-963.” *Id.* at ¶ 23. Specifically, Kline contends that he “was discriminated against because of [his] learning disability.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 5.

According to Kline, because of his learning disability, he has “a hard time of thinking and processing information . . . [a]nd to be in a classroom setting, [he] struggle[s] in that kind of atmosphere.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 8. Kline testified that he was first diagnosed with a learning disability in the first grade. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 50. However, he could neither identify the name of the learning disability nor the doctor or professional who diagnosed him with it. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 49. Kline continued his testimony by stating that he was re-examined in the eleventh grade and a “psychiatrist [] stated that they believe [he] still [has] the learning disability, that [he] did not grow out of it.” *Tr. of Proceedings*, 11/15/16-11/16/16, p. 49. In addition, Kline “was in special classes to help [him] . . . process the information that the school was providing.” *Tr. of Proceedings*, 11/15/16-11/16/16, p. 51.

Furthermore, during Kline’s service in the Marine Corps, he had multiple job responsibilities, including submitting “daily morning reports”, reviewing “unit paperwork to confinement of inmates”, and “in-processing of paperwork for routing to administrative sections”. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 53. Plaintiff testified that he had problems processing the paperwork and “organizing them properly”. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 54. Consequently, the gunnery sergeant sat down with him for about five to ten minutes almost every day for about a week and a half to reinforce and explain the proper way to process and organize paperwork. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 54. According to Kline, during his tenure with the Marine Corps he “had a little bit of help here, a little bit of help there to get [him] over the hump” whereas with the PSP, he felt that he “was thrown off to the side . . . [y]ou have a learning disability, we don’t want you, we’re done.” *Tr. of Proceedings*, 11/15/16-11/16/16, p. 55.

During the trial, on cross-examination, Kline was directed to Exhibit 7, Page 477, which is a report of Kline’s medical history that was submitted as part of his application for employment with the Pennsylvania State Police. Kline agreed that the section requesting information from him on “any medical problems, illnesses, handicaps or restriction not mentioned above” is blank. The sections listed “above” requested information about any broken bones, diseases, and other medical complications that Plaintiff may have. The other reports contained within the PSP employment application include a “Dental Examination”,

a “Physical Examination”, and a “Certificate of Visual Efficiency”. There was only a vague reference in Plaintiff’s Exhibit 5 PSP/OCC 4 that Kline was identified with a learning disability in first grade that was uncovered in the application and investigation process.

There is insufficient evidence to show that Plaintiff established having made a record of his disability with the PSP. For example, the “Report of Medical History” would have been the proper place to establish a record with PSP of a learning disability, yet he left that section blank on his application. Kline’s assertion that he was “discharged *because he was, and perceived to be, disabled in violation of PHRA . . .*”<sup>1</sup>, and Kline’s decision or failure to establish throughout this case that there was “a record of”<sup>2</sup> his learning disability, indicates to this court that his’s status as a disabled person under the law must be analyzed under either the first definition (relating to a physical or mental impairment which substantially limits one or more of such person’s major life activities) or the third definition (relating to being regarded as having such an impairment).

This court concludes that Kline has brought forth sufficient evidence to establish that he is a disabled person within the meaning of the law because his learning disability qualifies as a “mental impairment” in that it substantially limits his ability to learn report writing skills, read and comprehend the information contained within those reports, and communicate in writing the information he needs to contain within those reports. Alternatively, this court concludes that Plaintiff has proven that he was regarded as having a disability by the PSP because his Background Investigation Transmittal report indicates that although Kline was “suitable for employment with the Department”, he was to be “monitored closely while at the Academy.”<sup>3</sup> See *Joint Exhibit 5*, p. 5.

#### Qualified to Perform the Essential Functions of the Job

The second element that a plaintiff must establish to make out his *prima facie* case is his status as a qualified individual. A qualified individual in the disability context “means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.” *Khula*, 145 A.3d at 1212 (citing 42 U.S.C. § 12112(a); 43 P.S. § 955). The Equal Employment Opportunity Commission (EEOC) set forth guidelines for interpreting the Americans with Disabilities Act<sup>4</sup>, and the Third Circuit Court of Appeals has relied on those guidelines when analyzing a plaintiff’s status as a “qualified individual”. See *Deane v. Pocono Med. Ctr.*, 142 F.3d 138, 145 (3d Cir.) (en banc).

If the court determines that a plaintiff possesses the requisite skill, experience, education, and other job-related requirements of the job, the court must determine “whether an individual can, with or

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<sup>1</sup> *Compl.*, 7/30/08, at ¶ 23 (emphasis added).

<sup>2</sup> This court notes that Joint Exhibit 5, p. 4 indicates that an officer reviewing Plaintiff’s application for employment with the PSP “found documentation that the applicant was identified with a learning disability in first grade.” However, since Plaintiff neither argued nor alleged his status as a disabled person under the “a record of” definition, then this court will not analyze the facts of this case as such.

<sup>3</sup> This court is cognizant that Defendant’s notation in Plaintiff’s file that he be “monitored closely while at the Academy” does not state that he be monitored closely “because of” a perceived disability. However, given testimony about

<sup>4</sup> 29 C.F.R., Appendix to Part 1630.

without reasonable accommodation, perform the essential functions of the position held or sought”, which is a two-step process. *Deane*, 142 F.3d at 146. In sum, this court must determine whether Plaintiff

can perform the essential functions of the job without accommodation. If so, [Plaintiff] is qualified (and, *a fortiori*, is not entitled to accommodation). If not, then [this court] must look to whether [Plaintiff] can perform the essential functions of the job with a reasonable accommodation. If so, the individual is qualified. If not, the individual has failed to set out a necessary element of the *prima facie* case.

*Id.*

It is Kline’s position that he is a qualified to perform the essential job functions of a Pennsylvania State Police Trooper because “despite his learning disability, [he] graduated high school, . . . excelled in the U.S. Marine Corps, . . . was accepted as a Cadet and entered the Pennsylvania State Police Training Academy [which Plaintiff] successfully completed”. *Pl.’s Proposed Findings of Fact and Conclusions of Law*, 2/2/17, ¶¶ 5, 6, and 8.

*Application of the Qualified to Perform the Essential Functions of the Job*

Based on the evidence presented to this court by PSP, Kline was required to perform 19 essential job functions of a Pennsylvania State Police Trooper. Joint Exhibit 22 sets forth the comprehensive list of essential job functions that all Pennsylvania State Police Trooper must be able to perform. Among those essential jobs functions is a requirement that a Pennsylvania State Police Trooper prepare and write investigative and other reports, including sketches, using appropriate grammar, symbols and mathematical computations.” *Joint Exhibit 22*, p. 1, ¶ 2. According to multiple PSP Troopers who supervised Kline throughout his probationary period, his reports were deficient. Trooper Boyer, Trooper Macfarlane, Trooper Pugh, Trooper Grayer, Corporal Tolbert, and Sergeant Zapach all expressed and documented their concerns about Kline’s ability to prepare and write investigative reports. However, preparation and writing of investigative reports was only one of 19 essential job functions.

Assuming arguendo that Kline has set forth evidence that he cannot perform the 19 essential job functions of a Pennsylvania State Police Trooper without accommodation, this court still holds that Kline does not meet the legal definition of a qualified individual because the evidence confirms that after he “received additional training with report writing and time management during this extension . . . [t]he improvement [was] still not at an acceptable level for this Department.” *Joint Exhibit 10*, Bates #793. Therefore, Kline cannot perform the 19 essential job functions of a Pennsylvania State Police Trooper even with reasonable accommodations. Furthermore, Kline never provided medical or psychological documentation from a provider suggesting a reasonable accommodation. At most, Kline requested additionally help with report writing which was in fact provided to him. Consequently, Plaintiff has failed to satisfy a necessary element of his *prima facie* case.

*Adverse Employment Decision as a Result of Discrimination*

The third and final element that a plaintiff must prove in his *prima facie* case is whether he suffered an adverse employment action because of discrimination. “An adverse employment action is one in which a reasonable person could find that the employment was substantially worsened.” *Bearly v. Friendly Ice Cream Corp.*, 322 F.Supp.2d 563, 577 (M.D. Pa. 2004) (citing *Dilenno v. Goodwill Indus. Of Mid-Eastern Pa.*, 162 F.3d 235-36 (3d Cir. 1998)). Undoubtedly, Kline suffered an adverse employment decision, namely PSP’s decision to dismiss him from the Department. However, this court is not convinced that Kline established that he was dismissed *as a result of* any discrimination by PSP.

Kline argues that he “suffered three adverse employment actions.” *Pl.’s Proposed Findings of Fact and Conclusions of Law*, 2/2/17, p. 8. Firstly, he contends that he received “inadequate training which rendered him unprepared and subject to errors.” *Id.* As an example, Kline argues that being given 8 separate field training officers during his first thirty days on the job was contrary to PSP policy AR 5-2.<sup>5</sup> Secondly, Kline asserts that “he was assigned midnight shifts, in violation of AR, 5-2 2.05 C”<sup>6</sup>, which resulted in “confusing” him. *Id.* Lastly, the final adverse employment action was PSP’s decision not to retain Kline upon his completion of his probationary period with the PSP.

PSP’s position with regard to the employment actions against Kline, relies on Kline’s inability to perform the essential functions of a Pennsylvania State Police Trooper. PSP contends that Kline was dismissed not as a result of discrimination, but rather because he “could not perform the essential functions [of the job] even with additional help” and thus “clearly [was] not qualified for the job of a trooper.” *Def.’s Proposed Findings of Fact, Conclusions of Law, and Argument Supporting Judgment in PSP’s Favor*, 2/2/17, p. 23.

*Application of Adverse Employment Action*

This court finds that the adverse employment action that Kline suffered was not due to an unlawful discriminatory action by PSP. Clearly, Kline suffered an adverse employment action by not being retained by the PSP; however, the evidence belies the assertion that this adverse employment decision was *because of* discrimination. Specifically, Kline’s first General Investigation Report states that although he “is meeting most of the standards of the PSP in conduct and department competency” this *did not* include his “report writing skills”, which “the consensus from interviews conducted indicat[ed] that he needs to improve in this area.” *Joint Exhibit 9*, p. 1. The General Investigation Report went on to conclude that Kline is “deficient in his report writing skills”. *Id.* Moreover, multiple Troopers who supervised Kline during his probationary period noted that his reports were deficient.<sup>7</sup> Not only were the reports “deficient”,

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<sup>5</sup> AR 5-2, 2.05 A. of the Probationary Trooper Program states, in pertinent part, that “training shall be conducted under the direct supervision of two [Field Training Officers].” *Joint Exhibit 8*, p. 5.

<sup>6</sup> It should be noted that AR 5-2, 2.05 C does not expressly prohibit a probationary officer from a midnight shift assignment.

<sup>7</sup> Trooper Boyer noted that Plaintiff’s “areas of improvement included his spelling and overall report writing. Trooper Macfarlane stated that the “one thing that [Plaintiff] needs to work on is his spelling and grammar to be a better report writer.” Trooper Pugh indicated that although Plaintiff’s “accident reports are satisfactory”, his “spelling, grammar, and sentence structure is poor.” Trooper Grayer observed “some deficiencies in [Plaintiff’s] report writing with regard to his spelling and content”. Sergeant Zapach recommended that Plaintiff “attend courses in report writing offered by the Department.” *Joint Exhibit 9*, p. 2.

but multiple Corporals stated serious concerns with Kline's report writing, including that his "reports are some of the worst [they've] ever seen" and "are horrible". *Joint Exhibit 9*, p. 4.

Aside from Kline's deficient report writing, various PSP Troopers expressed concerns about his conduct in the field. Among others, these concerns included Kline's use of his cellphone while on duty<sup>8</sup>, his inability to properly effectuate an arrest<sup>9</sup>, his inability to perform searches<sup>10</sup>, and his failure to provide backup to fellow PSP Troopers<sup>11</sup>.

#### *Legitimate Non-discriminatory Reason*

Once a plaintiff establishes a *prima facie* case, the burden of production shifts to the employer to produce evidence of a legitimate, nondiscriminatory reason for not hiring the plaintiff. *General Electric Corp. v. Com. Human Relations Commission*, 365 A.2d 649, 656 (Pa. 1976); *Harrisburg School District v. Pennsylvania Human Relations Commission*, 466 A.2d 760, 763 (Pa. Cmwlth. Ct. 1983). This court has concluded that based on all the evidence presented in this matter, that Kline has not established a *prima facie* case. However, for purposes of continuing the analysis of a plaintiff's burden of proof, assuming *arguendo* that plaintiff had established a *prima facie* case, PSP has been able to establish that its motivation for terminating Kline's employment was based on legitimate, non-discriminatory reasons.

Here, PSP asserts that Plaintiff "was dismissed as a probationary trooper due to his dereliction of duty, which imperiled his personal safety, as well as the safety of his fellow troopers and the citizens he was charged to protect." *Def.'s Proposed Findings of Fact, Conclusions of Law, and Argument Supporting Judgment in PSP's Favor*, 2/2/17, p. 24. In support of its position, PSP produced evidence indicating that not only were Kline's report writing skills deficient, but other instances during his probationary period caused concern among his supervisors. Specifically, PSP presented evidence at trial indicating that Kline "could not perform seven of the nineteen essential functions." *Id.* at p. 45. These nineteen essential job functions are "mandatory" and cannot be "waived or overlooked". *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 204-05.

#### *Legitimate Non-discriminatory Reason #1: Plaintiff could not Effectuate Arrests*

First, PSP presented evidence of circumstances where Kline could not properly effectuate an arrest when he "uncuffed" an individual during a driving under the influence traffic stop to allow the

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<sup>8</sup> See *Joint Exhibit 10*, p. 5 (As Trooper Baluh was issuing a traffic citation, he instructed Plaintiff to "keep an eye on the occupants [of the vehicle]". However, when Trooper Baluh looked over at Plaintiff he saw him "text messaging someone on his cell phone, not watching the vehicle occupants."); see also *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 260 (Trooper Grayer noticed Plaintiff "play[ing] with his phone quite a bit in the car").

<sup>9</sup> Plaintiff "uncuffed" an individual during a driving under the influence traffic stop to allow the suspect to "make a phone call". *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 38-39.

<sup>10</sup> Plaintiff acknowledged that he "was wrong" and "messed up" when he conducted a traffic stop for suspected DUI and failed to question the driver of the box truck about the number of occupants in the vehicle. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 36.

<sup>11</sup> Sergeant Zapach testified that, during a disturbance call at a trailer park located in Plaintiff's "assigned zone" while he was on duty, two fellow officers who were responding to the scene observed Plaintiff sitting in his patrol car stationary on the road. When those officers, Trooper Baluh and Trooper Lewis, looked into his patrol car, they "saw him sitting in the car, they had their emergency lights activated, they attempted to get ahold of him by the radio which they received no response." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 291-92.

suspect to “make a phone call”. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 38-39. The Pennsylvania State Trooper essential job functions list states that all troopers must be able to “effect an arrest . . . using handcuffs and other restraints”. *Joint Exhibit 22*. Kline described the suspect as “very relaxed” and that Kline’s experience in the Marine Corps enabled him to “read people” and utilize “self-defense” tactics in the event that the suspect would pull a weapon and come at him or Trooper Boyer, who was supervising Kline at the time of this arrest. However, Trooper Boyer, a trooper first-class, stated to Kline that it was improper for him to un-handcuff the suspect in that situation because “he should have waited until [they] got to the hospital” to allow the suspect to make a phone call. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 39. Boyer further explained to Kline that since the suspect was operating a “box truck”, Kline needed to be “more verbal” in asking if anyone else was in the truck because “you can’t see in the back.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 39.

In addition, Trooper Baluh testified about Kline’s inability to assist a fellow officer in effectuating an arrest. According to Trooper Baluh, after Kline secured handcuffs around a suspect along the roadside, he retreated to patrol car. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 142-45. This arrest occurred on a rainy night, and Trooper Baluh testified that he was “struggling” with the suspect to get him in the back of the patrol vehicle. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 145. When asked where Kline was at this time, Trooper Baluh testified that he observed him inside the patrol vehicle “in the driver’s seat . . . sitting . . . with a phone in his hand.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 145. When asked whether this could have been Kline attempt to call for backup, Trooper Baluh testified, “[w]e don’t call for backup on cell phones.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 145.

*Legitimate Non-discriminatory Reason #2: Plaintiff’s Report Writing was Deficient*

As explained above, Kline’s report writing was an on-going problem during his tenure as a Probationary Trooper. The second essential job function that every Pennsylvania State Police Trooper must be able to perform is to “prepare and write investigative and other reports, including sketches, using appropriate grammar, symbols and mathematical computations.” *Joint Exhibit 22*. When specifically asked about this essential job function, Corporal Tolbert testified that Kline “had a serious issue” with performing it. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 205. Furthermore, Corporal Tolbert echoed the concerns that other Pennsylvania State Police Troopers expressed with Kline’s report writing. Corporal Tolbert testified that Kline received 60 “report correction notices”, which was “unusual” for a probationary trooper because although “mistakes are made”, “these mistakes were coming at a very high level”. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 200; *Joint Exhibit 10*, Bates #813-864.

Corporal Tolbert testified that supplemental general investigation reports are rare and “are not always completed” because “usually there’s a determination made after the first general investigation if a trooper is going to be retained or dismissed.” Here, the decision was made to retain Kline, but by means of extending his probationary period. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 199. “His probation period was extended until December 13, 2006.” *Joint Exhibit 10*, Bates #793. However, the supplemental general investigation report concluded that Kline, even with an extended probationary period, was “not meeting most standards of the Pennsylvania State Police” and he could not “handle the duties required for the position.” *Joint Exhibit 10*.

However, Kline asserted that these mistakes were caused by his learning disability, which he subsequently told Corporal Tolbert. Corporal Tolbert neither reviewed nor was privy to Kline's PSP application, which included, among other documents, an expansive review of his medical history. It was not until a conversation between Corporal Tolbert and Kline about his report writing that Kline alluded to "a learning disability". *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 203. Kline neither elaborated on the name of the "learning disability" nor produced "any documentation regarding that learning disability". *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 204. Nevertheless, when Kline informed Sergeant Zapach about his learning disability on August 14, 2006<sup>12</sup>, Kline was sent to the "NETC for remedial [t]raining for report writing."<sup>13</sup>

*Legitimate Non-discriminatory Reason #3: Plaintiff's Inability to Communicate on the Radio*

The fifth essential job function requires a Pennsylvania State Police Trooper to "communicate effectively and coherently over law enforcement radio channels while initiating and responding to radio communications, while operating a vehicle or communications desk." *Joint Exhibit 22*. The Commonwealth presented Corporal Tolbert, "a shift supervisor, [who] monitored all radio transmissions." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 228. Corporal Tolbert testified that Kline "had an issue with his communication skills. He was very soft-spoken on the radio. It was very hard to understand him. And if you listen to him speak in a police environment, it was hard for him to portray what was actually happening." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 206. On cross-examination, Corporal Tolbert could not articulate a "specific recollection of [Kline] talking on the radio" because it had been "ten years" since he listened to recordings of Kline's radio communications. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 228.

*Legitimate Non-discriminatory Reason #4: Plaintiff's Inability to Perform Searches*

The ninth essential job function requires a Pennsylvania State Police Trooper to "perform searches of people, vehicles, buildings and large outdoor areas which may involve feeling and detecting objects, walking for long periods of time, detaining people and stopping suspicious vehicles and persons." *Joint Exhibit 22*. Kline testified that he "was wrong" and "messed up" when he pulled a box truck over for suspected DUI and failed to question the driver about the number of occupants in the vehicle. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 36. Corporal Tolbert testified that Kline's execution of essential job function nine "was borderline at best". He recalled the same incident that Kline alluded to on direct examination. Corporal Tolbert testified that this training is covered in the academy, and "one of the things that we're taught is first thing you want to do is ask the vehicle operators, are there any occupants in your vehicle. I mean, that's paramount to a vehicle stop."

*Legitimate Non-discriminatory Reason #5: Plaintiff's Inability to Effectively Communicate with People by Giving Information and Direction*

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<sup>12</sup> *Joint Exhibit 17*, p. 8 (correspondence from Plaintiff to Sergeant Zapach requesting "additional training" to bring his "writing skills up to a satisfactory level.").

<sup>13</sup> *Id.*, p. 9.

The Commonwealth asserts that Kline exhibited his inability to perform essential job function number twelve on two separate occasions: one involving a domestic dispute and another involving a citizen's complaint. According to essential job function #12, a PSP Trooper must "effectively communicate with people, including juveniles, by giving information and directions, mediating disputes and advising of rights and processes." *Joint Exhibit 22*. During the domestic incident, Trooper Pugh, one of Kline's field training officers, testified that Kline "didn't take control of the situation", which required Trooper Pugh to step in. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 247. He also testified that in "these situations, you have to separate people, [and Plaintiff] did not do that." *Id.* Plaintiff did not cross-examine Trooper Pugh.

The citizen's complaint was explained by Commonwealth's witness, Sergeant Zapach. Sergeant Zapach testified:

a correspondence [was] sent to our commissioner expressing dissatisfaction with the performance of the state police on [Plaintiff's] ability to accurately report an accident that this individual was involved in along with failing to return his phone calls after repeated requests.

*Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 277.

The citizen's complaint was "sustained", which meant that "they found that the allegations were true and correct and factual. *Id.* On cross-examination, Sergeant Zapach testified that when he confronted Kline about his failure to return citizen's phone calls, Kline told him that was "off [of work]" or he "just didn't get around to it." As the supervisor of the troop unit that Plaintiff to which assigned, Sergeant Zapach testified that failure to return calls to concerned citizens is "being ineffectively able to communicate with someone." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 311.

*Legitimate Non-discriminatory Reason #6: Plaintiff's Inability to Perform Rescue Functions at Accidents*

It is axiomatic that law enforcement personnel encounter situations where they must engage in rescue functions. The PSP recognized this inherent task and incorporated it into their list of essential job functions. In pertinent part, essential job function #16 requires PSP Troopers to "[p]erform rescue functions at accidents, emergencies, civil disorders and disasters to include directing traffic for long periods of time. . . ." *Joint Exhibit 22*. Commonwealth witness, Major McDaniel, testified that although PSP Troopers are "not EMTs and they're not paramedics", [they] "can render basic first aid . . . [a]nd one of the first rules in basic first aid is observation and to maintain the integrity of an injured person until more skilled people arrive." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 355-56.

According to Major McDaniel, during a situation requiring rescue functions Kline failed to exercise this basic first aid rule. Specifically, Major McDaniel explained:

[t]here was one incident when [Plaintiff] was instructed to monitor an individual who was injured in a crash. For whatever reason, he stopped that process. The individual got out of the vehicle, stood up, fell down and hit his head. Had [Plaintiff] done what he was supposed to, [specifically] to perform a rescue

function, he would have indicated to him the safest place for him to be was in his vehicle at that time because the roadway was being closed down.

*Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 356.

On cross-examination, Major McDaniel emphasized that Kline exercised bad judgment when uncuffing the suspect. He re-iterated that he learned the proper procedure in the academy and his field training process. Ultimately, Major McDaniel guaranteed that he “would not give [Plaintiff] an opportunity to do that again.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 369.

*Legitimate Non-discriminatory Reason #7: Plaintiff's Inability to Process and Transport  
Arrested Suspects and Prisoners*

Defendant’s final articulated reason for dismissing Kline related to his inability to properly process and transport prisoners. This reason stems from Kline’s decision to uncuff a suspected driver of DUI to permit him to use his cellphone. Essential job function #17 mandates that all PSP Troopers must “[p]rocess . . . and transport arrested suspects, prisoners and committed mental patients using handcuffs and other appropriate restraints.” *Joint Exhibit 22*. As explained above, Kline’s supervisors concurred that his decision to uncuff the suspect was against procedure, dangerous, and jeopardized the safety of everyone involved.

*Application of Legitimate Non-discriminatory Reasons*

When viewed collectively, this court is convinced that PSP has produced a plethora of legitimate, non-discriminatory reasons for not retaining Kline beyond his extended probationary period. The nineteen essential job functions are exactly that, *essential*. As testified, these job functions were, and probably still are, “mandatory”. They cannot be “waived or overlooked” in order to excuse a probationary trooper’s deficiency. Each job function is as important as the next, and if troopers on probationary status cannot perform the tasks and responsibilities, then it is safe to conclude that they will not be able to handle those same tasks and responsibilities as Pennsylvania State Trooper.

Even with this court providing deference to Kline’s alleged learning disability in relation to his ability to “prepare and write investigative and other reports”, it was shown, through the testimony of multiple PSP personnel, that Kline could not perform *all* the essential job functions of a Pennsylvania State Police Trooper. For instance, Kline exhibited poor judgment when effectuating an arrest and maintaining control of detained individuals. Specifically, Major McDaniel, an extraordinarily articulate and credible witness for the Commonwealth, testified about the incident where Kline handcuffed an individual with the intention of processing him for DUI, and then subsequently “uncuffed that individual to allow that individual to use a cell phone while still on the roadside.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 365. According to Major McDaniel, this was “poor judgment” because “as soon as [Plaintiff] took the cuffs off, the situation stopped being in control.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 365. Not only did Kline exhibit “poor judgment”, but Major McDaniel elaborated that his decision was “completely anathema to procedure, policy, and everything that he would have been trained in the academy field training and any

procedures any police officer would use.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 365. This one instance exhibited Kline’s inability to perform essential job functions #1, #3 and #17.

Moreover, multiple PSP Troopers expressed concern about Kline’s use of his personal cell phone while on duty.<sup>14</sup> These instances caused Kline’s supervisors and field training officers to question his ability to remain alert and protect himself, other officers on duty and the public. In addition, Kline did not properly effectuate an arrest on multiple occasions, and was not effectively communicating information over law enforcement radio channels. These behaviors were concerning to his field training officers, and contrary to the various duties he was required to perform as a PSP Trooper.

Finally, as explained above, Kline could not perform essential job function #2 with or without reasonable accommodations from Defendant.

In sum, the Commonwealth’s witnesses produced testimony and identified various exhibits substantiating PSP’s position that Kline could not perform all the mandatory job duties of a PSP Trooper. In doing so, PSP met its burden by producing evidence of a legitimate, non-discriminatory reason as to why Kline was not retained as a PSP Trooper.

#### *Pretext*

Once PSP has produced evidence of a legitimate non-discriminatory reason, “[o]nly then does the production duty again shift to the plaintiff for a full and fair opportunity to demonstrate pretext.” *Harrisburg School District*, 466 A.2d at 763. Kline by a preponderance of the evidence, must show “that the employer’s proffered legitimate, nondiscriminatory reason was pretextual.” *Leibensperger v. Carpenter Technologies, Inc.*, 152 A.3d 1066, 1076 (Pa. Cmwlth. Ct. 2016). Pretext can be demonstrated in two ways: (1) “the complainant [can] point to evidence that would allow a factfinder to disbelieve the employer’s reasons for the adverse employment action” or (2) the complainant can “point to evidence that would allow a factfinder to believe that an invidious discriminatory reason was ‘more likely than not a motivating or determinative cause’ of the employer’s action.” *Id.* (citing *Willis v. UPMC Children’s Hospital of Pittsburgh*, 808 F.3d 638, 644 (3d Cir. 2015)). However, the complainant is always tasked with “the burden of persuasion on the ultimate issue of whether the employer had a discriminatory motive.” *Id.*

Regarding the first way to show pretext, a plaintiff can raise sufficient disbelief by pointing to “weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions in the employer’s proffered legitimate reasons [such] that a reasonable factfinder could rationally find them unworthy of credence and hence infer that the proffered nondiscriminatory reason did not actually motivate the employer’s action.” *Id.* (citing *Kroptavich v. Pennsylvania Power and Light Co.*, 795 A.2d 1048, 1059 (Pa. Super. Ct. 2002)). On the other hand, the second way to show pretext would be to establish any of the following: “(1) the defendant previously discriminated against the plaintiff; (2) the defendant discriminated against others within the plaintiff’s protected class; or (3) the defendant has treated similarly situated, [non-disabled] individuals more favorably.” *Id.* (citing *Willis*, 808 F.3d at 645)).

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<sup>14</sup> See *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 145 (Plaintiff inside the patrol vehicle “in the driver’s seat . . . sitting . . . with a phone in his hand.”); see also *Joint Exhibit 10*, p. 5 (While Trooper Baluh was writing traffic citations and asked Plaintiff to “keep an eye on the occupants [of the vehicle]” Trooper Baluh look over at Plaintiff and saw Plaintiff “text messaging someone on his cell phone, not watching the vehicle occupants.”); see also *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 260 (Trooper Grayer testified that Plaintiff “played with his phone quite a bit in the car” and that Trooper Grayer couldn’t tell “what he was doing with it but he played with his phone a lot, something that you probably shouldn’t do when you’re being coached.”).

At trial, Kline failed to present any evidence of pretext. Kline's counsel did not offer any evidence at trial of comparisons to other troopers who committed similar infractions, yet were not dismissed. Perhaps no such comparisons existed; however, Kline's PHRC Complaint included allegations of PSP Troopers who were "non-disabled" who exhibited conduct contrary to PSP regulations, yet were not disciplined.<sup>15</sup> However, Kline presented no testimony regarding these non-disabled individuals to establish disparate treatment based on disability. Kline failed to elaborate or produce any evidence to substantiate these allegations within Kline's PHRC Complaint. Instead, after PSP rested its case following presentation of their final witness, this court asked Kline's counsel if he had "any rebuttal" to which counsel responded, "No, Your Honor." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 380.

Therefore, absent any pretextual evidence or explanation from Kline regarding PSP's production of multiple legitimate non-discriminatory evidence, this court makes the following findings of facts.

*Findings of Fact*

1. Plaintiff is James Ryan Kline.
2. Defendant is the Pennsylvania State Police.
3. Kline graduated from high school and went on to serve in the United States Marine Corps.
4. Kline was discharged honorably from the United States Marine Corps in January of 2004.
5. Kline applied for a position as a Cadet with PSP in November of 2004.
6. Kline entered the PSP Academy on March 13, 2005.
7. On September 22, 2005, Kline graduated from the PSP Academy.
8. Upon graduating, Kline was assigned to Troop H as a probationary trooper.
9. The probationary period for a PSP Trooper is 18 months from the date of enlistment.
10. Per the Probationary Trooper Program, a probationary trooper is assigned two field training officers during a 60-day period. Ex. 8 AR-5-2
11. Although Kline did not have a field training officer on his first day, Trooper Lang took Kline "out on the road for a few hours, just writ[ing] citations."
12. Throughout his probationary period, Kline was assigned a total of four field training officers.<sup>16</sup>
13. Kline was assigned a third coach because he was not yet demonstrating requisite performance levels at the end of his second coach/pupil period.
14. Kline's field training officers were as follows:
  - a. Trooper Gregory Boyer
  - b. Corporal Shaun Pugh
  - c. Trooper Julius Grayer

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<sup>15</sup> See *Joint Exhibit 3*, ¶¶ 15-17 ("John Newton (non-disable) should have received a DUI, but was not disciplined."); ("Perry Tolbert (non-disabled) authorized co-workers to pick up a city officer who was driving under the influence. Instead of arresting the individual, Mr. Tolbert told troopers to let the officer go. Mr. Tolbert was not disciplined for his actions."); ("Ralph Domin (non-disabled) condones buying alcohol and bought alcohol for others during work hours. He was not disciplined. Moreover, Mr. Domin refused to assist me during a suicide call. He was not discharged for his misconduct.").

<sup>16</sup> Plaintiff testified that he had "eight different coaches"; however, Plaintiff did not elaborate or specifically identify all eight field training officers that he allegedly encountered during his first 30 days. See *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 11.

- d. Trooper MacFarlane (as a temporary “fill-in” coach)
15. Probationary Troopers are subjected to a General Investigation Report (hereinafter “GI Report”) which “provides a comprehensive inquiry of the probationary Trooper’s performance since graduation and promotion to Trooper.”
  16. A GI Report is “conducted to ensure that probationary Troopers are meeting conduct, department, and competency standards of the Department.”
  17. The PSP has nineteen essential job functions, which are enumerated in Joint Exhibit 22.<sup>17</sup>
  18. All Pennsylvania State Police Troopers are required to be able to perform all nineteen essential job functions.
  19. Pursuant to section 2.02 of the Probationary Trooper Program, a “probationary Trooper may be dismissed at any time during the probationary period with the concurrence of the Commissioner.”
  20. Plaintiff’s GI Report was completed on August 5, 2016.
  21. Plaintiff’s GI Report recommended that he “be retained upon completion of his probationary period with the Pennsylvania State Police.”
  22. All GI Reports and any supplemental reports are reviewed by the probationary Trooper Review Panel, which is composed of three Commissioned Officers holding the rank of Lieutenant or Captain and appointed by the Commissioner.

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<sup>17</sup> 1. Effect an arrest, forcibly if necessary, using handcuffs and other restraints; subdue resisting suspects using maneuvers and weapons and resort to the use of hands and feet and other approved weapons in self-defense.

2. Prepare and write investigative and other reports, including sketches, using appropriate grammar, symbols and mathematical computations.

3. Exercise independent judgment in determining when there is reasonable suspicion to detail, when probable cause exists to search and arrest and when force may be used and to what degree.

4. Operate a law enforcement vehicle during both the day and night; in emergency situations involving speeds in excess of posted limits in congested traffic and in hazardous road conditions caused by factors such as fog, smoke, rain, ice and snow.

5. Communicate effectively and coherently over law enforcement radio channels while initiating and responding to radio communications, while operating a vehicle or communications desk.

6. Gather and interpret information in various investigations which may include interviewing and obtaining the statements of victims, witnesses, suspects and confidential informers.

7. Pursue fleeing suspects on foot and perform rescue operations which may involve quickly entering and exiting law enforcement vehicles; lifting, carrying and dragging heavy objects; climbing over and pulling up oneself over obstacles; jumping down from elevated surfaces; climbing through openings; jumping over obstacles, ditches and streams; crawling in confined areas; balancing on uneven or narrow surfaces and using body force to gain entrance through barriers.

8. Load, unload, aim and fire using each hand from a variety of body positions handguns, shotguns and other agency firearms under conditions of stress that justify the [use] of deadly force and at levels of proficiency prescribed in certification standards.

9. Perform searches of people, vehicles, buildings and large outdoor areas which may involve feeling and detecting objects, walking for long periods of time, detaining people and stopping suspicious vehicles and persons.

10. Conduct visual and audio surveillance for extended periods of time.

11. Engage in law enforcement patrol functions that include such things as working rotating shifts, walking on foot patrol and making physical checks of cars, homes, buildings, etc.

12. Effectively communicate with people, including juveniles, by giving information and directions, mediating disputes and advising of rights and processes.

13. Demonstrate effective communication skills and use proper demeanor in court and other formal settings.

14. Detect and collect evidence and substances which provide the basis of criminal offenses or infractions; and/or indicate the presence of dangerous conditions.

15. Endure verbal and mental abuse when confronted with the hostile views and opinions of suspects and other people encountered in an antagonistic environment.

16. Perform rescue functions at accidents, emergencies, civil disorders and disasters to include directing traffic for long periods of time, administering emergency medical aid, extinguishing small fires, lifting, dragging and carrying people away from dangerous situations and securing and evacuating people from particular areas.

17. Process (photograph, fingerprint) and transport arrested suspects, prisoners and committed mental patients using handcuffs and other appropriate restraints.

18. Put on and operate emergency equipment such as fire extinguisher, helmet, gas mask, etc. in situations as required.

19. Read and comprehend legal and non-legal documents, including the preparation and processing of such documents as citations, affidavits and warrants.

23. If a probationary Trooper is found to be unsatisfactory, then an Administrative Review Panel is convened.
24. The Review Panel and the Administrative Review Panel are tasked with and designed to review the performance of probationary troopers and ultimately make recommendations to the Commissioner regarding the retention of probationary troopers.
25. Testimony from multiple PSP Troopers, including Corporal Tolbert and Trooper Baluh, evidenced that Kline was unable to perform essential job function #1, relating to effectuating an arrest.
26. Kline was unable to perform essential job function #2 with or without reasonable accommodations.
27. Kline's reports were so maleficent that at one point Plaintiff received sixty report correction notices.
28. On August 14, 2006, Plaintiff informed Sergeant Zapach of his learning disability. This was the first time Kline affirmatively advised PSP of his learning disability
29. Kline did not provide a specific diagnosis of his learning disability to PSP.
30. Kline did not provide medical or psychological/psychiatric documentation to PSP of being diagnosed with a learning disability nor did he request a specific accommodation.
31. On August 23 and 24, 2006, PSP sent Kline to remedial report writing training courses where he received "individual instruction from staff instructor Corporal Leonard Belles."
32. Kline's courses covered topics including: grammar usage, sentence and paragraph structure, organization, "reading line by line as a coping mechanism, creating timelines, and using bullet points."
33. Although Kline receiving additional courses to improve his report writing skills, Kline was still underperforming in other aspects of the job, including effectuating arrests, performing searches, and communicating with fellow troopers and responding to citizen's calls.
34. Kline was scheduled to attend a third course geared towards "written communications"; however, Kline was terminated from employment for reasons enumerated below prior to the commencement of the third course.
35. Kline was unable to satisfactorily perform essential job function #5, relating to the effectively transmitting information across the radio.
  - a. Evidence was produced that Kline "had an issue with his communication skills. He was very soft-spoken on the radio. It was very hard to understand him. And if you listen to him speak in a police environment, it was hard for him to portray what was actually happening." *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 206.
36. Kline was unable to satisfactorily perform essential job function #9, relating to conducting searches
  - a. On direct examination, Kline acknowledged that he "was wrong" and "messed up" when he pulled a box truck over for suspected DUI and failed to question the driver about the number of occupants in the vehicle. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 36.

- b. Corporal Tolbert testified that Kline’s execution of essential job function nine “was borderline at best”.
37. Kline was unable to satisfactorily perform essential job function #12, relating to effectively communicating with people by giving information and direction.
  - a. Evidence was presented regarding Kline’s inability to resolve a domestic dispute. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 247.
  - b. Evidence was presented about a citizen’s complaint letter “expressing dissatisfaction with the performance of the state police on [Plaintiff’s] ability to accurately report an accident that [an] individual was involved in along with failing to return his phone calls after repeated requests. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 277.
38. Kline was unable to satisfactorily perform essential job function #16, relating to the performance of rescue functions at accidents.
  - a. Major McDaniel testified that, during an accident, Kline “was instructed to monitor an individual who was injured in a crash. For whatever reason, he stopped that process. The individual got out of the vehicle, stood up, fell down and hit his head. Had [Plaintiff] done what he was supposed to, [specifically] to perform a rescue function, he would have indicated to him the safest place for him to be was in his vehicle at that time because the roadway was being closed down.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 356.
39. Kline was unable to satisfactorily perform essential job function #17, relating to the ability to process and transport arrested suspects and prisoners.
  - a. Trooper Boyer testified about Kline’s inability to process and transport an arrested suspect when he “uncuffed” an individual during a driving under the influence traffic stop to allow the suspect to “make a phone call”. *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 38-39.
40. Testimony from several PSP Troopers, including Major McDaniel<sup>18</sup>, proved that Kline’s conduct while on duty put his fellow officers at risk and jeopardized the safety of the public.
41. Kline was dismissed because he lacked the performance and judgment required of a PSP Trooper.
42. Even if Kline’s report writing skills would have been acceptable, Kline would still have been dismissed because he could not perform other critical functions of the job, especially with regard to handling criminal subjects and injured individuals. *Tr. Trans.* 208:21-209:9, 361:1-17
43. Kline produced no evidence at trial to prove that PSP’s enumerated and articulated reasons for dismissing Kline during his probationary period were pretextual.

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<sup>18</sup> When asked, in his opinion, why Plaintiff was dismissed from the PSP, Major McDaniel testified “[t]he single word answer is performance. The most critical aspect of that performance was safety. His lack of judgment with regard to handling person who he had contact with that were either subjects or injured – subjects of criminal contact or injured in crashes. And then also his failure to be there for his partner.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 360-61.

Based on the Findings of Fact enumerated above, this court issues the following conclusions of law and enters the attached Order.

*Conclusions of Law*

Kline has failed to establish his *prima facie* case of showing that he was unlawfully discriminated against by PSP due to his alleged “learning disability”. This court offers no opinion on Kline’s cognitive abilities; however, in analyzing Kline’s “disability” under the constraints of the law, Kline has provided sufficient evidence to establish that he is a “disabled person within the meaning of the law.” Despite being unable to identify the name of his “learning disability”, Kline testified that he was first diagnosed with a learning disability in the first grade. *Tr. of Proceedings*, 11/15/16-11/16/16, p. 50. As evidenced by Kline’s sub-standard report writing in both the Marine Corps and the PSP, Kline’s “learning disability” is a mental impairment which substantially limits his report writing skills, his ability to read and comprehend the information contained within those reports, and his ability to communicate pertinent information within those reports. Therefore, Kline proved that he had “a physical or mental impairment which substantially limits one or more of such person’s major life activities”, and thus met the definition of a “disability” within the meaning of the law.

Although Kline established that his “learning disability” constituted a “disability” under the PHRC, Kline failed to establish that he was otherwise qualified to perform the essential functions of the job, with or without reasonable accommodations by the employer. Joint Exhibit 22 is a comprehensive list of essential job functions that all Pennsylvania State Police Trooper must be able to perform. In total, Kline was unable to perform seven of the nineteen mandatory job responsibilities, six of which were unrelated to his “disability” and thus did not require reasonable accommodations.<sup>19</sup> Nevertheless, PSP acted in good faith by assigning a third field training officer to Kline after he announced he had a learning disability on August 14, 2006. PSP sent Kline for remedial assistance in writing and organizing reports. However, there were many other well articulated reasons unrelated to his inability to prepare adequate reports which led to the ultimate decision to terminate Kline’s employment with PSP.

While the court need not continue its analysis in light of Kline’s failure to make a *prima facie* case of discrimination based on disability, PSP clearly articulated non-discriminatory reasons to justify dismissing Kline from the PSP. Kline made no attempt to put forth evidence of pretext to rebut PSP’s articulated reasons for its employment action against Kline.

Therefore, for the reasons stated above, judgment is entered in favor of Defendant.

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<sup>19</sup> Sergeant Zapach told Trooper Grayer, an “exemplary trooper” who is “very caring, very patient” and who “always takes that extra step to mentor even younger troopers that’s not a probationary trooper. He’s a well-rounded trooper and can be very counted on.” *Tr. of Proceedings*, 11/15/16 – 11/16/16, p. 278.

**FIRST PUBLICATION****Estate Notices**

ESTATE OF JACK D. MCCLAIN a/k/a JACK DELANO MCCLAIN, late of West Hanover Township, Dauphin County and Commonwealth of Pennsylvania. Co-Executors: Jack R. McClain, 1220 Nagy Lane, Dauphin, PA 17018; Jason D. McClain, 7922 Evening Star Drive, Harrisburg, PA 17112; Renee G. Hoy, 7542 Lakeside Avenue, Harrisburg, PA 17112; Karin Judd, 369 Sarhelm Road, Harrisburg, PA 17112. Attorney: David H. Stone, Esquire, Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070. jy14-28

ESTATE OF ROBERT J. WINTER, (died: June 25, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Linda Silverman. Attorney: Bruce J. Warshawsky, Esquire, Cunningham, Chemicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. jy14-28

ESTATE OF EMORY L. HARSHBARGER a/k/a EMORY LEROY HARSHBARGER, (died: June 8, 2017), late of 601 Wilhelm Road #116, Harrisburg, Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Lynn A. Funkhouser a/k/a Lynn A. Firestone, c/o 940 South Queen Street, York, PA 17402. jy14-28

ESTATE OF ROBERT L. COLESTOCK, (died: December 6, 2016), late of Middle Paxton Township, Dauphin County, Pennsylvania. Executrix: Cynthia K. Pugh. Attorney: Nathaniel J. Flaudreau, Esquire, Nauman, Smith, Shissler & Hall, LLP, P.O. Box 840, Harrisburg, PA 17108-0840. jy14-28

**SECOND PUBLICATION****Estate Notices**

ESTATE OF PORTIA A. JONES, (died: April 23, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Kesia R. Alston, of Harrisburg, Pennsylvania. Attorney: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, 717-541-5550. jy7-21

ESTATE OF JOSEPH W. JONES, (died: June 8, 2017), late of Wiconisco Township, Dauphin County, Pennsylvania. Executrix: Janet C. Machamer, 254 Machamer Avenue, PO Box 50, Wiconisco, PA 17097. Attorney: Gregory M. Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. jy7-21

**SECOND PUBLICATION****Estate Notices**

ESTATE OF EUNICE LOWER a/k/a EUNICE R. LOWER, (died: May 14, 2017), late of the Borough of Millersburg, County of Dauphin, Pennsylvania. Executrix: Marie L. Bowman, 142 North Chestnut Street, P.O. Box 108, Berrysburg, Pennsylvania 17005; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, Pennsylvania 17023. jy7-21

ESTATE OF BARBARA L. BRANDT-STONER, Late of the Township of Middletown, County of Dauphin and Commonwealth of PA. Executor: Allen S. Brandt, c/o Gingrich, Smith, Klingensmith & Dolan, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022. Attorney: Kevin D. Dolan, Esq. jy7-21

ESTATE OF BEVERLY B. DARE, (died: March 28, 2017), late of Lower Swatara Township, Dauphin County, Pennsylvania. Executor: Keystone Guardianship Services c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Beverly B. Dare, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. jy7-21

ESTATE OF LARRY A. CAMPBELL, late of the Township of Derry, Dauphin County, PA. Executrix: Yvonne E. Campbell. Attorney: John E. Feather, Jr., Esquire, Feather and Feather, P.C., 22 West Main Street, Annville, PA 17003. jy7-21

ESTATE OF ARIA G. BOWMAN, late of Halifax Township, Dauphin County, Pennsylvania. Co-Executors: April E. Taylor, 301 Schoolhouse Lane Millersburg, PA 17061; Jan A. Snyder, 301 Shaffer Road, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. jy7-21

ESTATE OF VALERIE ANN GEARY, (died: December 6, 2016), late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Carol E. Purdy. Attorney: Bruce J. Warshawsky, Esquire, Cunningham, Chemicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110. jy7-21

ESTATE OF PAULYNE PAULEY, (died: May 22, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Lisa M. Pauley. Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. jy7-21

## SECOND PUBLICATION

### Estate Notices

ESTATE OF MARJORIE W. RHEN, (died: June 6, 2017), late of Derry Township, Dauphin County, Pennsylvania. Executrix: Michelle R. Allen, 1049 Mt. Alem Drive, Hummelstown, PA 17036. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. jy7-21

ESTATE OF NANCY E. KOPPENHAVER, (died: May 29, 2017), late of Lower Paxton, Dauphin County, Pennsylvania. Executrix: Margaret L. Koppenhaver, 8100 Spruce Drive, Harrisburg, PA 17111. Attorney: John S. Davidson, Esquire, Yost & Davidson, 320 West Chocolate Avenue, P.O. Box 437, Hershey, PA 17033-0437. jy7-21

ESTATE OF CATHERINE L. BOYLE, late of Swatara Township Dauphin County, Pennsylvania. Executor: Margaret M. Heisey, 1770 Powderhorn Road, Middletown, PA 17057. Attorney: Hannah R. Suhr, Esquire, 2011 W. Trindle Road, Carlisle, PA 17013. jy7-21

ESTATE OF EUGENE H. EINZIG, late of Swatara Township, Pennsylvania. Executor: Ira H. Weinstock, Esquire, 800 North Second Street, Harrisburg, PA 17102. jy7-21

ESTATE OF DOLORES E. KEIM, (died: May 30, 2017), late of Harrisburg, Dauphin County, PA. Executrix: Linda K. Mauck, 1480 Crums Mill Ln., Harrisburg, PA 17110 or to her Atty.: David Schachter, 1528 Walnut St., Ste. 1507, Philadelphia., PA 19102. jy7-21

## THIRD PUBLICATION

### Estate Notices

ESTATE OF MARY M. E. SHOOP, (died: June 3, 2017), late of Wayne Township, Dauphin County, Pennsylvania. Co-Executor: Norma M. Rummel, 503 Rutter Road, Halifax, PA 17032, or Co-Executor: Jerry W. Shoop, 18 Mountain House Road, Halifax, PA 17032. Attorney: Gregory M. Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. jn30-jy14

ESTATE OF EDWARD A. FOGLE, late of Liverpool, Perry County, Pennsylvania. Administratrix: Rebecca M. Seachrist. Attorney: Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P.C., 14 South Second St., Newport, PA 17074. jn30-jy14

ESTATE OF MELVIN E. JUDY, SR., late of Middletown Borough, Dauphin County, Pennsylvania. Personal Representative/Executrix: LEROY H. JUDY, 600 Newberry Road, Middletown, PA 17057 or to Attorney: JENNIFER M. MERX, ESQUIRE, SkarlatosZonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101. jn30-jy14

ESTATE OF MARY ELLEN MEREDITH, late of Miller Township, Perry County, Pennsylvania. Executrix: Wanda M. Myers. Attorney: Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P. C., 14 South Second St., Newport, PA 17074. jn30-jy14

ESTATE OF EMILY LOUISE ERB, (died: January 9, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Moss Erb, 5408 Dwight Avenue, Harrisburg, PA 17112. Attorney: Kari E. Mellinger, Esquire, R.J. Marzella & Associates, 3513 North Front Street, Harrisburg, PA 17110. jn30-jy14

ESTATE OF LESLIE A. MASON, (died April 22, 2017), late of Lower Paxton Township, Dauphin County, Pennsylvania. Co-Executors: Leroy A. Mason and Penny D. Mason. Attorney: Nora F. Blair, Esquire, 5440 Jonestown Road, P.O. Box 6216, Harrisburg, PA 17112. jn30-jy14

ESTATE OF FAYE A. HIPPLE, (died: June 4, 2017), late of Middletown Borough, Dauphin County, Pennsylvania. Co-Executors: Debra Manfred and Susan Heitefuss Goss, c/o Pannebaker & Mohr, P.C. 4000 Vine Street, Suite 101, Middletown, PA 17057 or to Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Suite 101, Middletown, PA 17057. jn30-jy14

ESTATE OF ROSA LEE WALKER, (died: May 9, 2017), late of Harrisburg. Executrix: Beverly E. Walker, 2802 Oakwood Dr., Harrisburg, PA 17110. Attorney: Attorney: Herschel Lock, Esq., 3107 N. Front St., Harrisburg, PA 17110. jn30-jy14

ESTATE OF ERIC W. BROWN, a/k/a ERIQ W. BROWN, late of Swatara Township, County of Dauphin, Commonwealth of Pennsylvania. Executor: Jon L. Ross, 1960 Daybreak Circle, Harrisburg, PA 17110 or to Attorney: Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, PA 17110. jn30-jy14

ESTATE OF MARY JANICE BLACK, (died June 11, 2017), late of Millersburg Borough, Dauphin County, Pennsylvania. Executrix: Patricia A. Sass, 226 Forest Oak Lane, Harrisburg, Pennsylvania 17110; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. jn30-jy14

**THIRD PUBLICATION**

Estate Notices

ESTATE OF MICHAEL EUGENE STINEFELT, late of Harrisburg, Susquehanna Township, County of Dauphin, Commonwealth of Pennsylvania. Administratrix: Sylvia I. Hockenberry, 316 South Progress Avenue, Harrisburg, PA 17109 or Attorney: Heather D. Royer, Esquire, SMIGEL, ANDERSON & SACKS, LLP, 4431 North Front Street, Third Floor, Harrisburg, PA 17110.

jn30-jy14

**FIRST PUBLICATION**

Corporate Notices

NOTICE IS HEREBY GIVEN that **G-Star Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 599 Broadway, 11th Fl., New York, NY 10012, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 20, 2017, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o Cogency Global Inc, Dauphin County.

jy14

NOTICE IS HEREBY GIVEN that **Kriska Transportation Group Limited**, a foreign corporation formed under the laws of the Ontario, Canada, where its principal office is located at P.O. Box 879, 850 Sophia St., Prescott, ON Canada K0E 1T0, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on July 7, 2017, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County.

jy14

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **QinetiQ US Holdings, Inc.**, a corporation of the State of Delaware, with principal office located at 5885 Trinity Pkwy., Ste. 130, Centreville, VA 20120, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on January 7, 2013, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State.

jy14

NOTICE IS HEREBY GIVEN that **Healthcare Impact Associates L.L.C.**, a foreign business limited liability company organized under the laws of the State of Minnesota, received a Certificate of Authority in Pennsylvania on October 7, 2015 and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: CT Corporation System, 600 N 2nd Street, Suite 401, Harrisburg, PA 17101-1071, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the company in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is 6121 Baker Rd, Suite 104, Minnetonka, MN 55345.

jy14

NOTICE IS HEREBY GIVEN that **N-SPEC QUALITY SERVICES, INC.**, a foreign corporation formed under the laws of the State of Texas, where its principal office is located at P.O. Box 47921, Corpus Christi, TX 78469-4792, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 27, 2017, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County.

jy14

NOTICE IS HEREBY GIVEN that **Rent the Runway, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 345 Hudson St., 6th Fl., New York, NY 10014, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 29, 2017, under the provisions of the Pennsylvania Business Corporation Law of 1988. The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located at c/o CT Corporation System, Dauphin County.

jy14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **The Clay Studio Holdings, Inc.**, a nonprofit corporation organized under the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for charitable purposes.

jy14

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 6, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Signalscape, Inc.** c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 200 Regency Forest Drive, Suite 310, Cary, NC 27518.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation law of 1988 as amended. jy14

NOTICE IS HEREBY GIVEN that **C2 Technologies, Inc.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1921 Gallows Road, Suite 1000 Vienna VA 22182. The Commercial Registered Agent Provider is in care of National Registered Agents, Inc. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. jy14

NOTICE is hereby given of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **Biljan Inc**
2. The location of the registered office of the corporation is 1355 S. River Road, Halifax, PA 17032.
3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Business Corporation Law.
5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 12th day of April, 2017. jy14

NOTICE IS HEREBY GIVEN that **ARGOSPIRE MEDICAL INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 504 Addison St., Philadelphia, PA 19147, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association/Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. jy14

NOTICE IS HEREBY GIVEN that **GT Omega Inc.**, with a registered agent provider in care of Incorp Services Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 197 Tantallon Road, Glasgow, G41 3LU, UK. This shall serve as official notice to creditors and taxing authorities.

Contact:  
Mary H Hawkins CPA PS  
733 7th Avenue, Suite 114  
Kirkland, WA 98033  
(425) 947-1234

jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 20, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Jade Logistics Corporation (USA)** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of Virginia.

The address of its principal office is 10151 Deerwood Paul Boulevard, Building 200, Suite 250, Jacksonville, FL 32256.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy14

NOTICE IS HEREBY GIVEN that Nonprofit Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 28, 2017, for the purpose of obtaining a Certificate of Incorporation under the provisions of the Nonprofit Corporation Law of 1988. The name of the proposed nonprofit corporation is **The Meadows at Lambs Gap Homeowners Association, Inc.**

The purpose for which it will be organized is: To be a unit owners' association which provides for the management, maintenance and care of the residential community project located in Hampden Township, Cumberland County, Pennsylvania, known as The Meadows at Lambs Gap, A Planned Community.

Golf Enterprises, Inc.  
4400 Deer Path Road  
Suite 201  
Harrisburg, Pennsylvania 17110

jy14

**FIRST PUBLICATION**

**Corporate Notices**

NOTICE IS HEREBY GIVEN that **Dixie Leavitt Agency**, a foreign business corporation incorporated under the laws of Nevada, with its princ. office located at 7881 W. Charleston Blvd., #140, Las Vegas, NV 89117, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. Fictitious Name: Leavitt Insurance Agency Inc. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. jy14

NOTICE IS HEREBY GIVEN that **CHROMATE INDUSTRIAL CORP.**, a foreign business corporation incorporated under the laws of the State of Ohio, received a Certificate of Authority/Foreign Registration in Pennsylvania on December 17, 2004, and will surrender its certificate of authority/foreign registration to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: c/o AAAgent Services, LLC, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about April 7, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Adams Construction, Inc.** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 1183 South DuPont Hwy., New Castle, DE 19720.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended. jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement was filed with the PA Dept. of State on 06/28/2017 for **GN HEARING CARE CORPORATION**, a business corporation formed under the laws of the jurisdiction of CA with its principal office located at 2601 Patriot Blvd., Glenview, IL 60026, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 16, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **ELASTIFILE INC** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the lav./s of Delaware.

The address of its principal office is 2880 Lakeside Dr., Ste. 228, Santa Clara, CA 95054.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 28, 2016, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **DYS Technologies Inc.** c/o AAAgent Services, LLC

This corporation is incorporated under the laws of California.

The address of its principal office is 2010 Crow Canyon Place, Suite 100, San Ramon, CA 94583.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy14

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 7, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **PAX Labs (Deux). Inc.** c/o Incorporating Services, Ltd.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 660 Alabama Street, San Francisco, CA 94110.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy14

NOTICE IS HEREBY GIVEN that **Blower-Dempsay Corporation**, a foreign business corporation under the laws of the state of California where its principal office is located at 4042 W. Garry Ave., Santa Ana, CA 92704 has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at c/o Incomp Services, Inc., Dauphin County. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. jy14

**FIRST PUBLICATION**

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about May 26, 2017, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **SERVICE PROGRAM MARKETING GROUP, INC.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Ohio.

The address of its principal office is 799 Windmiller Drive, Pickerington, OH 43147.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation LIW of 19S5, as amended. jy14

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NOTICE IS HEREBY GIVEN that **Salvay, M.D., P.C.**, a foreign business corporation incorporated under the laws of California, with its principal office located at 555 Ramona St., Palo Alto, CA 94301, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. jy14

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NOTICE IS HEREBY GIVEN that **BT Funding Corp.** with a commercial registered office provider in care of National Corporate Research, Ltd. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent before this filing is 68 S. Service Rd., Suite 120, Melville NY 11747. This shall serve as official notice to creditors and taxing authorities. jy14

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NOTICE IS HEREBY GIVEN **Lime Residential, Ltd.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 11 Madison Ave., New York NY 10010. The commercial registered office provider is in care of Corporation Service Company in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. jy14

**FIRST PUBLICATION**

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Olin Chlor Alkali Products and Vinyls**, for the principal place of business in Dauphin County, Pennsylvania, with the principal place of business being 190 Carondelet Plz. Ste. 1530 Clayton MO 63105, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on June 5, 2017, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The names and addresses of the persons/entities owning or interested in the said business are: Olin Corporation, 190 Carondelet Plz. Ste. 1530 Clayton MO 63105; KA Steel Chemicals Inc., 1001 31st St Downers Grove IL 60515; Pioneer Americas LLC, 190 Carondelet Plz. Ste. 1530 St Louis MO 63105. jy14

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 05, 2017 for **MyRecLeague** at 1102 Draymore Court Hummelstown, PA 17036. The name and address of each individual interested in the business is Chad Whiting 1102 Draymore Court Hummelstown, PA 17036. This was filed in accordance with 54 Pa.C.S. 311. jy14

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NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name for **Smartstyle** to conduct business in Dauphin County, Pennsylvania, with the principal place of business being 1121 Picketown Road, Harrisburg, PA 17112, was filed with the Department of State of the Commonwealth of Pennsylvania, on or about June 30, 2017, pursuant to the provisions of the Fictitious Name Act of December 16, 1982, Act 295 (54 Pa. C.S. § 311 et seq.).

The name of the entity owning or interested in said businesses is: Davelle Investments, Inc., 1121 Picketown Road, Harrisburg, PA 17112.

SAIDIS SULLIVAN & ROGERS  
John A. Feichtel, Esq.  
100 Sterling Parkway, Suite 100  
Mechanicsburg, PA 17050

jy14

**FIRST PUBLICATION**

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS OF  
DAUPHIN COUNTY  
PENNSYLVANIA**

**CIVIL ACTION NUMBER: 2017-CV-3521-MF**

**M&T BANK, PLAINTIFF  
VS.  
TYISHA HATCHER, DEFENDANT**

To: Tyisha Hatcher, Defendant, whose last known address is 6298 Spring Knoll Drive, Harrisburg, PA 17111.

You have been sued in mortgage foreclosure on premises: 6298 Spring Knoll Drive, Harrisburg, PA 17111, based on defaults since December 1, 2016. You owe \$120,439.81, plus interest.

**NOTICE**

**YOU HAVE BEEN SUED IN COURT.** If you wish to defend against the claims set forth in the notice above, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or 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 THE 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.**

Dauphin County Lawyer Referral Service  
213 N. Front St.,  
Harrisburg, PA 17101  
717-232-7536

STERN & EISENBERG, PC, Attys. for Plaintiff  
1581 Main St., Ste. 200  
Warrington, PA 18976  
215-572-8111

jy14

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2016-CV-02764-MF**

**NOTICE OF SHERIFF'S SALE**

**US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR BEAR STEARNS ASSET  
BACKED SECURITIES I TRUST 2006-AC3,  
ASSET-BACKED CERTIFICATES, SERIES  
2006-AC3, PLAINTIFF**

**VS.  
SHAWN M. HORVATH AND  
CHERYL L. HORVATH, DEFENDANT(S)**

**NOTICE TO: CHERYL L. HORVATH**

**NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY**

Being Premises: 117 HUNTERS RIDGE DRIVE, HARRISBURG, PA 17110-3981  
Being in SUSQUEHANNA TOWNSHIP, County of DAUPHIN, Commonwealth of Pennsylvania, 62-083-056-000-0000

Improvements consist of residential property.  
Sold as the property of SHAWN M. HORVATH and CHERYL L. HORVATH

Your house (real estate) at 117 HUNTERS RIDGE DRIVE, HARRISBURG, PA 17110-3981 is scheduled to be sold at the Sheriff's Sale on 09/07/2017 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$224,680.41 obtained by, US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2006-AC3, ASSET-BACKED CERTIFICATES, SERIES 2006-AC3 (the mortgage), against the above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
jy14 Attorney for Plaintiff

**FIRST PUBLICATION**

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2016 CV 9206-MF**

**CIVIL ACTION – LAW**

**NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE**

**JAMES B. NUTTER & COMPANY,  
PLAINTIFF  
VS.  
JULIANNA SILLETT, DEFENDANT**

**NOTICE**

TO: Julianna Sillett, Defendant, whose last known address is 314 North Paxtang Avenue, Harrisburg, PA 17111.

**NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY**

TAKE NOTICE that the real estate located at 314 North Paxtang Avenue, Harrisburg, PA 17111, is scheduled to be sold at Sheriff's Sale on 9/7/17 at 10:00 A.M., at Dauphin County Sheriff's Office, Dauphin Court Admin. Bldg., Commissioners Hearing Rm., 4th Fl. – Market Sq., Harrisburg, PA 17101 to enforce the Court Judgment of \$113,999.04 obtained by James B. Nutter & Company against you. Property Description: Prop. sit in the Borough of Paxtang.

BEING prem.: 314 North Paxtang Avenue, Harrisburg, PA 17111.

Tax Parcel: # 47-020-028. Improvements consist of residential property.

Sold as the property of Julianna Sillett.

TERMS OF SALE: The purchaser at sale must pay the full amount of his/her bid by two o'clock P.M. on the day of the sale, and if complied with, a deed will be tendered by the Sheriff at the next Court of Common Pleas for Dauphin County conveying to the purchaser all the right, title, interest and claim which the said defendant has in and to the said property at the time of levying the same. If the above conditions are not complied with on the part of the purchaser, the property will again be offered for sale by the Sheriff at three o'clock P.M., on the same day. The said purchaser will be held liable for the deficiencies and additional costs of said sale.

TAKE NOTICE that a Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale.

Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

Powers, Kirm & Assoc., LLC Attys. for Plaintiff  
Eight Neshaminy Interplex, Ste. 215  
Trevoese, PA 19053

jy14

215-942-2090

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2016-CV-8025-MF**

**NOTICE OF SHERIFF'S SALE**

**WELLS FARGO BANK, NA, PLAINTIFF  
VS.  
ANDREW E. ACKER AND  
MEGAN R. ACKER, DEFENDANT(S)**

NOTICE TO: MEGAN R. ACKER and ANDREW E. ACKER

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

Being Premises: 867 UNION STREET, A/K/A 867 EAST UNION STREET, MILLERSBURG, PA 17061-1477

Being in MILLERSBURG BOROUGH, County of DAUPHIN, Commonwealth of Pennsylvania, 45-009-015-000-0000

Improvements consist of residential property.

Sold as the property of ANDREW E. ACKER and MEGAN R. ACKER

Your house (real estate) at 867 UNION STREET, A/K/A 867 EAST UNION STREET, MILLERSBURG, PA 17061-1477 is scheduled to be sold at the Sheriff's Sale on 09/07/2017 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$129,757.92 obtained by, WELLS FARGO BANK, NA (the mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
Attorney for Plaintiff

jy14

**FIRST PUBLICATION**

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2017-CV-1695-MF**

**NOTICE OF SHERIFF'S SALE**

**WELLS FARGO BANK, NA, PLAINTIFF  
VS.  
DAVID P. REIDER, DEFENDANT**

NOTICE TO: DAVID P. REIDER

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

Being Premises: 641 SOUTH GEYERS  
CHURCH ROAD, MIDDLETOWN, PA 17057-  
4422

Being in LONDONDERRY TOWNSHIP, Coun-  
ty of DAUPHIN, Commonwealth of Pennsylvania,  
34-011-041-000-0000

Improvements consist of residential property.

Sold as the property of DAVID P. REIDER

Your house (real estate) at 641 SOUTH GEYERS  
CHURCH ROAD, MIDDLETOWN, PA 17057-  
4422 is scheduled to be sold at the Sheriff's Sale  
on 10/19/2017 at 10:00 AM, at the DAUPHIN  
County Courthouse, 101 Market Street, Room 104,  
Harrisburg, PA 17107-2012, to enforce the Court  
Judgment of \$118,352.91 obtained by, WELLS  
FARGO BANK, NA (the mortgagee), against the  
above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
Attorney for Plaintiff

jj14

**IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY,  
PENNSYLVANIA**

**NO. 2016-CV-8063-MF**

**NOTICE OF SHERIFF'S SALE**

**PHH MORTGAGE CORPORATION F/K/A  
CENDANT MORTGAGE CORPORATION,  
D/B/A ERA MORTGAGE, PLAINTIFF  
VS.  
STACEY L. WALTERS, DEFENDANT**

NOTICE TO: STACEY L. WALTERS

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

Being Premises: 343 JONATHAN COURT,  
HUMMELSTOWN, PA 17036-8807

Being in DERRY TOWNSHIP, County of DAU-  
PHIN, Commonwealth of Pennsylvania, 24-050-  
052-000-0000

Improvements consist of residential property.

Sold as the property of STACEY L. WALTERS

Your house (real estate) at 343 JONATHAN  
COURT, HUMMELSTOWN, PA 17036-8807 is  
scheduled to be sold at the Sheriff's Sale on  
09/07/2017 at 10:00 AM, at the DAUPHIN Coun-  
ty Courthouse, 101 Market Street, Room 104,  
Harrisburg, PA 17107-2012, to enforce the Court  
Judgment of \$93,940.88 obtained by, PHH  
MORTGAGE CORPORATION F/K/A CEND-  
ANT MORTGAGE CORPORATION, D/B/A  
ERA MORTGAGE (the mortgagee), against the  
above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
Attorney for Plaintiff

jj14

**ATTORNEY DISCIPLINARY / ETHICS MATTERS**

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**FIRST PUBLICATION**

Name Change Notices

IN THE COURT OF COMMON PLEAS OF  
DAUPHIN COUNTY  
PENNSYLVANIA

NO. 2017 CV 04450-NC CIVIL TERM

**PETITION FOR NAME CHANGE**

NOTICE

NOTICE IS HEREBY GIVEN that on June 29, 2017, the Petition of Katie Joseph McGroarty a/k/a Joseph Remus McGroarty was filed in the above named court, requesting a decree to change his name from **Katie Joseph McGroarty** to **Joseph Remus McGroarty**.

The Court has fixed Tuesday, August 22, at 9:30 a.m. in Courtroom No. 12, 7th Floor, Juvenile Justice Center (Human Services Building), 25 S. Front St., Harrisburg, PA 17101 as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. jy14

IN THE COURT OF COMMON PLEAS  
OF DAUPHIN COUNTY  
PENNSYLVANIA

DOCKET NO: 2017-CV-04165-NC

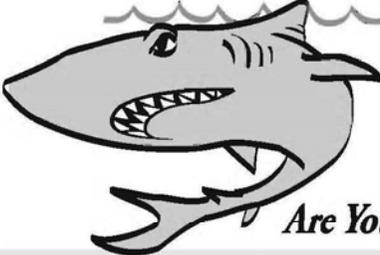
**PETITION FOR CHANGE OF NAME**

NOTICE

NOTICE IS HEREBY GIVEN that on June 19, 2017, the Petition of Yangny Hoang was filed in the above named court, requesting a decree to change her name from **Yangny Hoang** to **Lana Hoang**.

The Court has fixed Tuesday, August 22, 2017 at 9:30a.m. in Courtroom No. 12, 7th Floor, Juvenile Justice Center (Human Services Building, 25 South Front Street, Harrisburg, PA 17101 as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted. jy14

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**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

**REPORTING OF ERRORS IN ADVANCE SHEET**

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

**DAUPHIN COUNTY COURT SECTION**  
*Opinions Not Yet Reported*

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**BAR ASSOCIATION PAGE**  
**Dauphin County Bar Association**  
**213 North Front Street, Harrisburg, PA 17101-1493**  
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