

ADVANCE SHEET

The Dauphin County Reporter

(USPS 810-200)

A WEEKLY JOURNAL CONTAINING
THE DECISIONS RENDERED IN THE
12TH JUDICIAL DISTRICT

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Bar Association Page

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**THE
DAUPHIN COUNTY REPORTER**
Edited and published
by the
**DAUPHIN COUNTY BAR
ASSOCIATION**
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

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TERMS: Advertisements must be received before 12 o'clock noon on Tuesday of each week at the office of the Dauphin County Reporter, 213 North Front Street, Harrisburg, PA 17101; Telephone: (717) 232-7536, opt #4; Email: Bridgette@dcbapa.org

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 JEANNETTE SWEIGARD, late of the Township of Upper Paxton, County of Dauphin, Pennsylvania (died: July 11, 2019). Executrix: Cheryl E. Underkoffler, 100 South 7th Street, Apartment 105, Tower City, Pennsylvania 17980; Attorney: Joseph D. Kerwin, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023. o18-n1

ESTATE OF DOROTHY M. RUDY, late of Derry Township, Dauphin County, Pennsylvania, deceased (died: September 17, 2019). Executor: John M. Rudy. 2044 Wexford Road, Palmyra, PA 17078 or to Attorney: Ann E. Rhoads, Esquire, 244 West Main Street, Hummelstown. PA 17036. o18-n1

ESTATE OF JAMES A. YEAGER, a/k/a JAMES ANDREW YEAGER, late of Halifax Borough, Dauphin County, Pennsylvania. Co-Executrices: Dawn M. Peron, 4501 Winfield Street, Harrisburg, PA 17109; Crystal A. Howard, 2438 Route 209, Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. o18-n1

ESTATE OF KENNETH L. MYERS a/k/a KENNETH LEE MYERS, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Sandra K. Myers, 8185 Spruce Drive, Harrisburg, PA 17111 or to Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. o18-n1

ESTATE OF SADIE B. PENN, late of Steelton Borough, Dauphin County, Pennsylvania, (died: August 31, 2019). Co-Executors: Terry B. Penn & Jerry L. Penn, Jr., Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110 or to Estate of Sadie B. Penn, Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. o18-n1

ESTATE OF KATINA M. SCHOFFSTALL, late of the Township of Halifax, County of Dauphin and Commonwealth of Pennsylvania. Co-Executors: John L. Helm, Sr., And Beverly Helm, 1882 Armstrong Valley Road, Halifax, PA 17032 or to Attorney: Joseph C. Michetti, Jr., Esquire, Law Offices Of Diehl, Dluge, Michetti & Michetti, 1070 Market Street, Sunbury, PA 17801. o18-n1

ESTATE OF FLORENCE V. BASOM, of Lower Paxton Township, Dauphin County, Pennsylvania. Administratrix: Deborah J. Swartz, 643 Potts Hill Road, Lewisberry, PA 17339 or to Attorney: Jennifer M. Merx, Esquire, SkarlatosZonarrich, LLC, 320 Market Street, Suite 600W, Harrisburg, PA 17101. o18-n1

FIRST PUBLICATION

Estate Notices

ESTATE OF MARY ANN GREY, a/k/a MARY H. GREY, late of South Hanover Township, Dauphin County, Pennsylvania (died: August 7, 2019). Executor: Mark Sherk, 263 N. Hoernerstown Road, Hummelstown, PA 17036. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. o18-n1

ESTATE OF FLORENCE ROWELL a/k/a FLORENCE DEPIERRO ROWELL, late of Middletown Borough, Dauphin County, Pennsylvania. (died: June 3, 2018). Administrator: William Rowell, 6439 Paschall Avenue, Philadelphia, PA 19142. Attorney: David M. Hollar, Esq., David M. Hollar, PLLC, 8 Tower Bridge, Suite 400, 161 Washington Street, Conshohocken, PA 19428. o18-n1

SECOND PUBLICATION

Estate Notices

ESTATE OF NANCY L. ALISHOFSKI a/k/a NANCY ALISHOFSKI a/k/a NANCY LOUISE ALISHOFSKI, late of Harrisburg, Pennsylvania. (died: August 10, 2019). Co-Executor: Leann A. Blatt and Susan L. Plitt, c/o Norman E. Blatt, Jr., Esq. 1218 Delaware Ave. Bethlehem, PA 18015. Attorney: Norman E. Blatt, Jr., Esq., 1218 Delaware Avenue, Bethlehem, Pa 18015. o11-25

ESTATE OF MICHAEL L. GREENBERG, late of Lower Paxton Township. Executor: Barbara A. Greenberg, 4083 Wimbledon Drive. Harrisburg, PA 17112 or to Attorney: Stanley A. Smith, Esquire, Barley Snyder, 213 Market Street, 12th Floor, Harrisburg, PA 17101. o11-25

ESTATE OF MICHAEL F. STAKEM, JR., late of Washington Township, Dauphin County, Pennsylvania (died: September 24, 2019). Executor: Monica Updegrave, 517 Lansvale Street, Marysville, Pennsylvania 17053; Attorney: Terrence J. Kerwin, Esquire, Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023. o11-25

ESTATE OF BARBARA G. KOTKIEWICZ a/k/a BARBARA ROSE KOTKIEWICZ a/k/a BARBARA R. KOTKIEWICZ a/k/a BARBARA G. KUTT, late of Wayne Township, Dauphin County, Pennsylvania, (died: September 19, 2019). Executrix: Elizabeth I. Kotkiewicz, 339 Glenmaura Drive, Moosic, PA 18507. Attorney: Elyse E. Rogers, Esquire, Sullivan Rogers & Feichtel, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050. o11-25

ESTATE OF ALVIN JOSEPH SMITH, late of Swatara Township, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043 or to Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043. o11-25

ESTATE OF DAVID MICHAEL WALKER, late of Harrisburg City, Dauphin County, Pennsylvania (died: August 10, 2019). Administrators: Kenneth Olson & Margaret Olson, 5439 Autumn Drive, Harrisburg, PA 17111. Attorney: Kristen Snyder, 1215 Manor Drive, Ste. 202, Mechanicsburg, PA 17055. o11-25

THIRD PUBLICATION

Estate Notices

ESTATE OF BETTY M. BOYER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Co-Executors: Vaughn E. Boyer, 146 E. Branch Rd., Millersburg, PA 17061, (717) 503-3352; Bradley S. Boyer, 422 Berrysburg Rd., Millersburg, PA 17061, (717) 979-5085. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. o4-18

ESTATE OF ANTHONY T. SPAGNOLO a/k/a ANTHONY THOMAS SPAGNOLO, late of Swatara Township, Dauphin County, Pennsylvania. Executor: Anthony T. Spagnolo, Jr. c/o Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110. o4-18

ESTATE OF JOANN L. SHIPKOWSKI, late of Middletown Borough, Dauphin County, Pennsylvania (died: August 12, 2019). Executor: Mr. Mark Shipkowski, 658 Hoffer Street, Middletown, PA 17057; Attorney: Gary L. Rothschild, Esq., 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112. o4-18



FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Imperfect Foods, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 1616 Donner Ave, San Francisco, CA 94124, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 9/17/19, 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 in Dauphin County. o18

NOTICE IS HEREBY GIVEN that **Biohaven Pharmaceuticals, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 215 Church St, New Haven, CT 06510, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 9/3/19, 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 in Dauphin County. o18

NOTICE IS HEREBY GIVEN **Capital Communications Industries Inc.**, a foreign business corporation incorporated under the laws of Washington, with its princ. office located at 1342 88th Ave. SE, Tumwater, WA 98501, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 1342 88th Ave. SE, Tumwater, WA 98501. 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. o18

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 August 27, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **RailPros Field Services, Inc.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Texas.

The address of its principal office is 1705 W. Northwest Hwy., Suite 150, Grapevine, TX 76051.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. o18

NOTICE IS HEREBY GIVEN **ThoughtSpot, Inc.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 910 Hermosa Court, Sunnyvale, CA 94085. The Commercial Registered Office Provider is in care of COGENY GLOBAL 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. o18

NOTICE IS HEREBY GIVEN **Overland Films, Inc.**, a foreign business corporation incorporated under the laws of California, with its princ. office located at 10202 W. Washington Blvd., Culver City, CA 90232, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 2595 Interstate Dr., Ste. 103, Harrisburg, PA 17110. 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. o18

NOTICE IS HEREBY GIVEN that **Lucky Health Group, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 244 Knollwood Drive, Bloomingdale, IL 60108, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 9/26/19, 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 in Dauphin County. o18

NOTICE IS HEREBY GIVEN **Anyways Films Inc.**, a foreign business corporation incorporated under the laws of California, with its princ. office located at 4243 Glenwood Ave., Los Angeles, CA 90065, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 4243 Glenwood Ave., Los Angeles, CA 90065. 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. o18

NOTICE IS HERBY GIVEN **BEYOND USA INC.** has filed a Certificate of Incorporation on 9/25/2019 in the Commonwealth of Pennsylvania under the provisions of Pennsylvania Business Corporation Law of 1988. o18

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Navigating Cancer, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 1008 Western Ave., Ste. 206, Seattle, WA 98104, 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. o18

NOTICE IS HEREBY GIVEN **BUMP WORLDWIDE INC.**, a foreign business corporation incorporated under the laws of Ontario, with its princ. office located at 600 Long Wharf Dr., New Haven, CT 06511, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 45 O'Connor St., Ste. 1600, Ottawa, ON Canada K1P 1A4. 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. o18

NOTICE IS HEREBY GIVEN Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on October 4, 2019 for the purpose of obtaining a charter of a Nonprofit Corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is **Hershey Presbyterian Church**, with its principal place of business being located at 1525 Sand Hill Road, Hummelstown, PA 17036.

The corporation is organized for the following purpose: engage in any lawful acts for which corporations may be incorporated under the Non-Profit Corporation Law. o18

NOTICE IS HEREBY GIVEN **SERVICECONTRACT.COM INC.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 14 Scenic Drive Dayton, New Jersey 08810. The proposed registered office in this Commonwealth is COGENCY GLOBAL INC. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. o18

NOTICE IS HEREBY GIVEN **CKA MANAGEMENT GROUP, INC.** has filed a Certificate of Incorporation on October 3, 2019 in the Commonwealth of Pennsylvania under the provisions of Pennsylvania business Corporation law of 1988. o18

NOTICE IS HEREBY GIVEN that **Cross Insurance, Inc. - Southwest Connecticut**, a foreign corporation formed under the laws of the State of Maine and with its principal office located 491 Main St. Bangor, ME 04401, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 10/9/19, 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 in Dauphin County. o18

NOTICE IS HEREBY GIVEN **Grace Rex Inc.**, a foreign business corporation incorporated under the laws of New York, with its princ. office located at 700A 5th Ave., #3, Brooklyn, NY 11215, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. The street address in the association's jurisdiction of formation is 700A 5th Ave., #3, Brooklyn, NY 11215. 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. o18

NOTICE IS HEREBY GIVEN that **HeyDoctor Medical Group (FL), P.A.**, a foreign corporation formed under the laws of the State of Florida and with its principal office located 577 2nd St, Ste 103, San Francisco, CA 94107, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 10/9/19, 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 in Dauphin County. o18

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **Yarway Corporation**, a corporation incorporated under the laws of the State of Delaware will withdraw from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is 56 Harrison Street, Suite 203A, New Rochelle, NY 10801 and the name of its commercial registered office provider in Pennsylvania is C T Corporation System. o18

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Weld-Done Welding, Inc.**, a corporation organized under the laws of the state of New Jersey, has applied for registration in Pennsylvania under the provisions of Chapter 4 of the Associations Code. The address of its principal office under the laws of the jurisdiction of formation is 351 Alvine Rd., Pittsgrove, NJ 08318 and the address of its proposed registered office in this Commonwealth is 240 N. Third St., 7th Fl., Harrisburg, PA 17101.

Cohen, Seglias, Pallas, Greenhall & Furman, P.C.
30 S. 17th St., 19th Fl.
o18 Philadelphia, PA 19103

NOTICE IS HEREBY GIVEN that **PAUL HAGGIS INC.**, a foreign business corporation incorporated under the laws of the State of California, received a Certificate of Authority in Pennsylvania on 09/06/2012 and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County.

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: 546 Fifth Avenue, 22nd Floor. New York, NY 10036.

o18

NOTICE IS HEREBY GIVEN that **Spartan Plan VA, Inc.**, a foreign corporation formed under the laws of the State of Virginia and with its principal office located 7092 Westpark Drive, McLean, VA 22102, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 10/10/19, 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 in Dauphin County.

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NOTICE IS HEREBY GIVEN that the members of **American Cooperative Services, Inc.**, a Pennsylvania nonprofit cooperative corporation, with its registered office at 212 Locust Street, Harrisburg, PA 17101, have approved a resolution recommending that the Corporation voluntarily dissolve and that the Corporation is winding up its affairs under the provisions of Section 5975 of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

o18

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. 311 and 54 Pa.C.S. Ch.3, that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Anthology of King of Prussia** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 10/1/2019. Purpose: senior residential apartments. Principal place of business: 130 E. Randolph St., Ste. 2100, Chicago, IL 60601. The name and address of the person/entity owning or interested in said business is CA Senior Valley Forge Operator, LLC, (a LLC organized in Delaware), with an address of 130 E. Randolph St., Ste. 2100, Chicago, IL 60601. The PA reg'd office is Corporation Service Co. o18

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. 311 and 54 Pa.C.S. Ch.3, that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Perkins&Will** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 10/9/2019. Purpose: architectural and design services. Principal place of business: The Wrigley Brothers, 410 N. Michigan Ave., Ste. 1600, Chicago, IL 60611. The name and address of the person/entity owning or interested in said business is Perkins & Will Architects, P.C., (a Professional Corporation organized in New York), with an address of 410 N. Michigan Ave., Ste. 1600, Chicago, IL 60611. The PA reg'd office is c/o: Corporation Service Co. o18

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY,
PENNSYLVANIA

NO. 2014-CV-08837-MF

CIVIL ACTION-LAW

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE

**BANK OF AMERICA, N.A., PLAINTIFF
VS.**

**UNKNOWN SURVIVING HEIRS OF ALMA
BLONDENA FORTUNE; UNKNOWN
SURVIVING HEIRS OF HENRY B.
GREGORY, JR.; HENRY A. GREGORY,
KNOWN SURVIVING HEIR OF HENRY B.
GREGORY, JR.; DEBRA THOMPSON,
KNOWN SURVIVING HEIR OF HENRY B.
GREGORY, JR.; MARILYN GREGORY,
KNOWN SURVIVING HEIR OF HENRY B.
GREGORY, JR.; ARIEL E. OBRIEN,
ADMINISTRATRIX OF THE ESTATE OF
VICTORIA A. OSTER, DEFENDANTS**

To: HENRY A. GREGORY, KNOWN SURVIV-
ING HEIR OF HENRY B. GREGORY, JR. De-
fendant(s), 2501 LOCUST LANE HARRIS-
BURG, PA 17109

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, BANK OF AMERICA, N.A., has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, PA docketed to No. 2014-CV-08837-MF, seeking to foreclose the mortgage secured on your property located, 2501 LOCUST LANE HARRISBURG, PA 17109.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the 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 INFORMATION ABOUT HIRING A LAWYER.

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

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
717-232-7536

RAS CITRON, LLC
ATTORNEYS FOR PLAINTIFF
Jenine Davey, Esq. ID No. 87077
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

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IN THE COURT OF COMMON PLEAS OF
DAUPHIN COUNTY,
PENNSYLVANIA

CIVIL ACTION – LAW

NO.: 2019-CV-02007-MF

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE

**WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS SUCCESSOR
TRUSTEE TO CITIBANK, N.A. AS
TRUSTEE TO LEHMAN XS TRUST
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-5,
PLAINTIFF,
VS.
DALE C. DENNIS, AKA DALE DENNIS,
DEFENDANT**

TO: Dale C. Dennis, AKA Dale Dennis

You are hereby notified that Plaintiff, Wilmington Trust, National Association, not in its individual capacity but solely as successor trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mortgage Pass-Through Certificates, Series 2006-5, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2019-CV-02007-MF, seeking to foreclose the mortgage secured by the real estate located at 344 Eddington Avenue, Harrisburg, PA 17111.

FIRST PUBLICATION

Miscellaneous Notices

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

NOTICE

NOTICE IS HEREBY GIVEN that the **Tax Claim Bureau of Dauphin County, Pennsylvania**, has presented its Return to the Court of Common Pleas of Dauphin County, Pennsylvania, in regard to the tax sale held September 26, 2019, for the delinquent taxes for the year of 2017 by said Court of Common Pleas and the return has been filed in the office of the Prothonotary of Dauphin County, Pennsylvania to No. 2019 CV 6969 MD.

Objections or exceptions to such report may be filed by any owner or lien creditor within thirty (30) days from October 14, 2019 otherwise the return will be confirmed absolutely.

F. R. Martsolf, Esquire,
Solicitor
Dauphin County
Tax Claim Bureau

Steven L. Howe,
Director
Dauphin County
Tax Claim Bureau
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to fund a Family Law Attorney who can provide legal support to local Dauphin County families living under the poverty level.

<https://www.dauphincountybarfoundation.org/video>

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

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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

BAR ASSOCIATION PAGE
Dauphin County Bar Association
213 North Front Street, Harrisburg, PA 17101-1493
Phone: (717) 232-7536 Fax: (717) 234-4582

FULL-TIME ATTORNEY: Schuylkill Women in Crisis, a private non-profit organization in Pottsville, PA seeks a full-time attorney to provide legal services to victims of domestic abuse. Responsible for handling various family law matters including, but not limited to child and spousal support, custody, and divorce. Candidates may submit resume to SWiC, P.O. Box 96, Pottsville PA 17901 or swicagen-cy@comcast.net by 12 pm October 15, 2019. o4-18

PUBLIC NOTICE FOR REAPPOINTMENT OF BANKRUPTCY JUDGE: The current 14-year term of office for U.S. Bankruptcy Judge Eric L. Frank for the Eastern District of Pennsylvania is due to expire on February 13, 2020. The United States Court of Appeals for the Third Circuit is considering the reappointment to a new 14-year term of office.

Upon reappointment, the incumbent would continue to exercise the jurisdiction of a bankruptcy judge as specified in Title 28, United States Code; Title 11, United States Code; and the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353, §§ 101-122, 98 Stat. 333-346. In bankruptcy cases and proceedings referred by the district court, the incumbents would continue to perform the duties of a bankruptcy judge that might include holding status conferences, conducting hearings and trials, making final determinations, entering orders and judgments, and submitting proposed findings of fact and conclusions of law to the district court.

Members of the bar and the public are invited to submit comments for consideration by the Court of Appeals regarding the reappointments of Judge Eric L. Frank. All comments should be directed to one of the following addresses: By e-mail: Frank_Reappointment@ca3.uscourts.gov; By Mail: Margaret Wiegand, Circuit Executive, Office of the Circuit Executive, 22409 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790. Comments must be received no later than noon on **November 6, 2019**. o11-25

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FULL-TIME IMPARTIAL SPECIAL EDUCATION DUE PROCESSING HEARING OFFICER: The Office for Dispute Resolution in Harrisburg, PA is soliciting resumes for individuals interested in serving as a full-time impartial special education due process hearing officer under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Please refer to <https://csiu.tedk12.com/hire/index.aspx> for additional details and to apply. Deadline to apply is October 31, 2019. o18-25

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The Judges have completed the SEPTEMBER 9, 2019 civil jury term. One civil case reached verdict and the summary is as follows:

PRISCILLA MOFFITT and FRANKLIN MOFFITT v. JOHN D. POWELL, JR., M.D. and CENTRAL PENNSYLVANIA SURGICAL ASSOCIATES LIMITED (2017-CV-06620-MM)

Trial dates: September 9, 2019 – September 18, 2019

This was a medical professional negligence action involving the perioperative care and treatment of Priscilla Moffitt during a bariatric surgical procedure in September of 2015. In addition to her allegations of medical negligence, Mrs. Moffitt sought damages for a lack of informed consent for the procedure performed by Dr. Powell.¹

In July of 2015, Mrs. Moffitt presented to Defendant Dr. Powell's medical practice for a consultation for a bariatric surgical procedure known as a "gastric sleeve" or a "laparoscopic sleeve gastrectomy." She was seen at that time by a Nurse Practitioner who noted that years prior, she had a stomach stapling procedure done in Arizona. Mrs. Moffitt saw Dr. Powell himself two weeks later for a surgical consult. Dr. Powell also noted the prior stomach stapling procedure she had undergone. Dr. Powell felt that Mrs. Moffitt was an appropriate candidate for bariatric surgery. He scheduled her for a pre-operative esophagogastroduodenoscopy ("EGD") to determine if a sleeve gastrectomy would be the appropriate type of bariatric surgery.

Dr. Powell performed the preoperative EGD in August of 2015 which revealed that her stomach was stapled at the fundal portion to create a pouch. A stricture separated the small gastric pouch from the rest of the stomach. The stricture was the intended result of the previous gastroplasty, which stapled the stomach into two pouches with a small opening between the two pouches.

Dr. Powell performed a sleeve gastrectomy on September 21, 2015. He was assisted by Leonardo Geraci, D.O., who performed an intraoperative EGD. The EGD scope was utilized as a bougie during the surgery. An issue in this case was the fact that the resected portion of the stomach which was removed during surgery was not sent to pathology.²

Following the surgery, Mrs. Moffitt developed an obstruction at the gastroesophageal junction, specifically at the location of the stricture from the previous horizontal gastroplasty.

On postoperative day 4, at the request of Dr. Powell, Dr. Davidson placed an esophageal stent into the stricture/obstruction. Another issue in this case was the propriety of not suturing the stent in place. She was discharged the following day.

Two weeks later, Mrs. Moffitt presented to the hospital with acute abdominal pain and fever. A CT scan revealed that the stent migrated and eroded through the stomach into the spleen. As a result, she suffered sepsis and required additional surgery to repair the hole in her stomach and an emergency splenectomy. Postoperatively, she required inpatient rehabilitation and tube feedings.

Four months later, Dr. Powell attempted to remove the esophageal stent, but was unsuccessful. Thereafter, Dr. Rosenberger attempted to dilate the distal esophagus and remove the stent, but he was not successful. Days later, Dr. DiMarco was able to remove the stent and replace it with a new one.

Mrs. Moffitt sought past medical expenses for which a Medicare lien was asserted, future medical expenses, as well as non-economic damages including pain and suffering, embarrassment, humiliation, and loss of life's pleasures. Her husband sought loss of spousal consortium. Plaintiffs made a pre-trial demand of \$1.75 million. The defense advised that they intended to try the case to verdict.

Pretrial Motions

(1) *Plaintiffs' Motion in Limine to Limit the Permissible Scope of Testimony of Dr. Rosenberger* was GRANTED such that Dr. Rosenberg, a treating physician, was not permitted to testify as to a standard

¹ Pre-trial, the parties entered into a stipulation to dismiss the corporate negligence and vicarious liability claims against UPMC Pinnacle Hospitals. During trial, the parties agreed to dismiss Dr. Geraci and Dr. Davidson after the close of Plaintiffs' case. The Court permitted the co-defendant doctors to remain in the courtroom well, as requiring the doctors to move to the gallery would cause the jury confusion and would be prejudicial to both sides. A jury instruction as to the dismissal of the doctors was given at the close of all the evidence.

² The defense argued that the resected portion of the stomach was exempted from mandatory pathological examination per hospital policy.

of care opinion. Dr. Rosenberg, was permitted to testify as to his involvement in the care and treatment of Ms. Moffitt, including his observations, knowledge, his thoughts and impressions, and his recollections and routines.

(2) *Defendants' Motion in Limine to preclude reference to the "International Sleeve Gastrectomy Expert Panel Consensus Statement" from 2011* was DENIED. Plaintiffs' expert opined that once Mrs. Moffitt developed a non-communicating stomach stricture, Defendant doctors should have continued with conservative treatment and dilation instead of placing a stent, based on the recommendations set forth in the "Consensus Statement." Defense argued that Plaintiffs' expert should not be permitted to bolster his opinions by reference to the Consensus Statement. They argued that the Consensus Statement was merely a survey of opinions of a panel of experts and does not explain the basis for the opinions. Therefore, reference to the article would improperly introduce hearsay opinions. The Court permitted Plaintiffs' expert to refer to the article on direct examination to the extent he relied upon it to form the basis of his expert opinion. However, Plaintiffs were not permitted to use the article as an exhibit at trial to bolster their expert's opinion. Plaintiffs' expert was prohibited from reading excerpts from the article on direct examination, and Plaintiffs' counsel was prohibited from publishing the article to the jury.

(2) *Defendants' Motion in Limine to preclude use and/or reference to anatomical illustrations contained in the medical records* was DENIED. In his report, Plaintiffs' expert included three anatomical illustrations from the medical records. For two of the illustrations, the author could not be identified. The third illustration was created by a physician who performed an endoscopy on Mrs. Moffitt, who was not deposed. The defense argued that these illustrations not only failed in terms of authenticity, they were inadmissible hearsay.

(3) *Defendants' Motion in Limine to preclude Ms. Moffitt and the doctors' scribe from opining that the original stent was not appropriate and/or that Ms. Moffitt's stent was replaced "for a more appropriate one"* was amicably resolved between the parties. Following the migration of Mrs. Moffitt's original stent, the stent was replaced with a new stent. Afterwards, a progress note described the "exchange of her stent for a more appropriate one." The note was typed by a scribe and signed by Dr. Powell. Plaintiffs' expert cited this note to suggest that the size of the original stent was too long. The defense argued that the scribe was not qualified to opine that the original stent was "inappropriate" because, pursuant to the MCARE Act, criticisms against a physician must be made by a physician.

Plaintiff's Expert

Dr. Yurcin testified that Dr. Powell deviated from the standard of care in failing to provide the proper informed consent to Mrs. Moffitt regarding the risk of a leak and high complication rates surrounding revision of the previous gastroplasty to a sleeve. Dr. Yurcin criticized the doctors for not obtaining Plaintiff's previous medical records to determine the type of stomach stapling procedure she underwent years prior. Plaintiffs' expert opined that Dr. Powell deviated from the standard of care when he proceeded with sleeve gastrectomy which was contraindicated after the type of stomach-stapling she previously underwent. Dr. Powell was criticized for failing to send the resected portion of the stomach for pathological analysis in violation of the hospital's policy. Plaintiff counsel argued that if the stomach specimen was sent to pathology, it would have showed the horizontal staple line, which would contraindicate the linear stapling of the stomach during the sleeve procedure.

Dr. Yurcin opined that the use of the endoscope as a bougie for the sleeve gastrectomy was below the standard of care as it was too small and a larger bougie would have been more appropriate especially when crossing a well-known staple/stricture line. This increased the risk of the resulting gastric obstruction and subsequent complications. He also criticized Dr. Powell and Dr. Davidson for placing a stent near fresh staple lines, through a strictured and potentially ischemic area which created a high risk and likely faster progression of erosion of the stent and subsequent leakage. Conservative management should have been attempted first.

Plaintiffs' expert believed that the stent was left in place for far too long after closure and healing of the leaking. The stent should have been removed six weeks after placement.

Plaintiff's witnesses

- 1) Priscilla Moffitt
- 2) Franklin Moffitt
- 3) DeDe Dyarmen (daughter)
- 4) John Powell, M.D. (as on cross)
- 5) Leonardo Geraci, M.D. (as on cross)

- 6) Matthew Davidson, M.D. (as on cross)
- 7) Basil Yurcisin, M.D. (Plaintiffs' expert)
- 8) Laurie Browngoehl, M.D. (Plaintiffs' life expectancy expert)
- 9) Alex Karras, CLCP (Plaintiffs' Life Care Plan expert)
- 10) David Hopkins (Plaintiffs' economic expert)
- 11) Justin Rosenberger, D.O. (treating physician)

Defense Expert

Dr. Alan Schuricht testified that the perioperative care rendered to Mrs. Moffitt by Dr. Powell during the 2015-2016 timeframe was appropriate and did not deviate from the standard of care. Specifically, Dr. Schuricht testified that since Mrs. Moffitt reported a prior "stomach stapling" in the 1980s but could not recall the provider or hospital, it was not possible to obtain her medical records. Therefore, Dr. Powell performed an EGD to see the anatomy firsthand. The EGD findings did not contraindicate the laparoscopic sleeve procedure. The scope passed easily through the narrowing of the stomach, which was evidence that a sleeve could be created safely.

The defense expert noted that Dr. Geraci provided Dr. Powell with endoscopic guidance assistance during the sleeve procedure. Dr. Geraci was able to use the scope as a bougie for the staple line and to test the newly created sleeve for leaks and found none. The 29-French endoscope used was within the standard of care.

Dr. Schuricht testified that the hospital policy exempted the resected stomach specimen from a mandatory pathological evaluation.

Following the surgery, Mrs. Moffitt developed a stricture which Dr. Schuricht explained was a known complication of sleeve gastrectomy. Dr. Davidson therefore deployed a stent to relieve the stricture, which was an appropriate intervention given the fresh staple line and associated leak risk with the alternative balloon dilatation. Dr. Schuricht noted that the stent choice and size were appropriate and that not only was suturing the stent in place not required by the standard of care, it was not possible to suture the stent endoscopically. With regard to Plaintiff's expert's criticism regarding utilizing conservative management before placing a stent, Dr. Schuricht testified that conservative therapy was attempted and the patient showed little improvement. Therefore, stenting was an appropriate intervention.

With regard to her postoperative complications, Dr. Schuricht stated that stent migration and erosion are known complications of the procedure. He testified that the doctors appropriately removed the migrated stent, removed the injured spleen, repaired the gastric perforation and placed another stent. Because this was an open procedure, as opposed to a laparoscopic one, the stent was able to be sutured into place.

Dr. Schuricht expressed his opinion that the timing of the stent removal was appropriate given the persistent drainage seen for several months after the procedure.

Defense Witnesses

- 1) John Powell, M.D.
- 2) Leonardo Geraci, M.D.
- 3) Matthew Davidson, M.D.
- 4) Justin Rosenberger, D.O (treating physician)
- 5) Allen Cwalina (corporate designee of Central PA Surgical Associates, Limited)
- 6) Alan Schuricht, M.D. (defense expert)

Exhibits

Numerous exhibits were expertly displayed by Andrew Schroder of Capital Support Services including EGD images, deposition transcripts, and radiological images. Counsel utilized demonstrative evidence such as anatomical models and drawings of the stomach.

Verdict

After one day of deliberations, the jury found that Dr. Powell was not negligent and that he provided the proper informed consent to Mrs. Moffitt.

Judge:

John J. McNally, III, Judge

Counsel for Plaintiff:

Esq.

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Counsel for Defendant:

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