

ADVANCE SHEET

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**THE
DAUPHIN COUNTY REPORTER**

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CONCLUSION

For these reasons, we enter the following:

ORDER

AND NOW, this 13th day of April, 2020,

Defendants' Motion for Summary Judgment is GRANTED.

Lynch v. The Pennsylvania State University, et al.

**Practice and Procedure - Preliminary Objections - Whistleblower Act -
Statute of Limitations**

Plaintiff was relieved from his assignment as Director of Athletic Medicine for Penn State University and Team Physician for the Penn State football team. He alleged that his loss of both positions was unlawful retaliation for his good faith reporting of attempts to influence and interfere with his medical management and return-to-play decisions related to student athletes. Defendants filed preliminary objections contending that Plaintiff's claims were time-barred, since they were brought after the applicable statute of limitations had expired.

1. It is ordinarily a question of law for the trial judge to determine if a statute of limitations has run on a claim. *Devine v. Hutt*, 863 A.2d 1160, 1167 (Pa. Super. Ct. 2004).

2. The Pennsylvania Whistleblower Act, codified at 43 P.S. §1421, *et seq.*, provides a specific limitations period of 180 days after the occurrence of the alleged violation 43 P.S. § 1424(a). Furthermore, this time limit is mandatory, and courts have no discretion to extend it. *O'Rourke v. Pennsylvania Dep.t of Corr.*, 730 A.2d 1039, 1042 (Pa. Cmwlth. 1999),

3. It is well-settled that the statute of limitations for conspiracy is the same as that for the underlying action which forms the basis of the conspiracy. *Rice v. Diocese of Altoona-Johnstown*, 212 A.3d 1055, 1062 (Pa. Super. Ct. 2019).

Memorandum Opinion. C.P., Dau. Co., No. 2019-CV-6337.

Steven F. Marino, for the Plaintiff

Carol Steinour Young, James P. DeAngelo, and Sarah Hyser-Staub, for Pennsylvania University, Sandy Barbour, Charmelle Green and James Franklin

James S. Urban and Katherine J. McLay, for Pennsylvania University, Sandy Barbour, Charmelle Green and James Franklin

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Jan L. Budman II, for The Milton S. Hershey Medical Center and Kevin P. Black

Sarah E. Bouchard, Jeffrey A. Sturgeon and Ali M. Killment, for The Milton S. Hershey Medical Center and Kevin P. Black

Dowling, J., April 29, 2020

MEMORANDUM OPINION

Currently pending before this Court are two sets of Preliminary Objections that were filed by the Defendants in the above matter. In determining these Objections, we must take all of the properly alleged facts in the Complaint as true, and we can only examine the Complaint and any exhibits attached thereto in making our decision. N. Forests II, Inc. v. Keta Realty Co., 2015 PA Super 253, 130 A.3d 19, 35 (Pa. Super. Ct. 2015).

Based on our review of the Complaint, the exhibits attached to the Complaint, and the relevant case law, we find that Plaintiff's claims for violation of the Whistleblower Law should be dismissed as untimely, thus dismissing Defendants The Pennsylvania State University, Sandy Barbour, Charmelle Green, and James Franklin (collectively referred to as the "Penn State Defendants") from the Complaint entirely. However, Plaintiff will be allowed to proceed on his claims for violations of public policy against Defendants Penn State Health, The Milton S. Hershey Medical Center and Kevin Pl. Black, M.D. (collectively referred to as the "HMC Defendants").

The general background of this case is as follows: Plaintiff was employed with Defendant The Milton S. Hershey Medical Center to furnish clinical orthopedic services and was directly supervised by Defendant Kevin P. Black, M.D.¹ Also, at all relevant times hereto, Plaintiff was the Intercollegiate Athletics Team Orthopedic Physician for the Penn State University football team and the Director of Athletic Medicine for Penn State University. Plaintiff made an allegedly good faith reporting of Defendant James Franklin's alleged attempts to influence and interfere with the Plaintiff's medical management and return-to-play decisions related to student athletes. Thereafter, on March 1, 2019, Plaintiff alleges that Defendants retaliated against him by causing him to be relieved from both his assignment as the Orthopedic Physician for the Penn State football team and his assignment as the Director of Athletic Medicine.

Plaintiff filed a Complaint on August 23, 2019, asserting statutory and common law causes of action against the Defendants in order to recover damages and losses that he allegedly sustained as a result of the allegedly unlawful adverse retaliatory action that was taken against him. In that Complaint, Plaintiff has specifically alleged the following facts, all of which must be taken as true for the purposes of Preliminary Objections.

¹ It was acknowledged at oral argument of this matter that Plaintiff still works for Defendant The Milton S. Hershey Medical Center and is still directly supervised by Defendant Kevin P. Black, M.D.

Plaintiff's professional responsibility as the Orthopedic Physician for the Penn State Football Team required that he make diagnostic, therapeutic, and return-to-play decisions in connection with the best practices of medical management of the Penn State student athletes for whom he was responsible. (Complaint, ¶51). On multiple and repeated occasions, Plaintiff alleges that Defendant James Franklin attempted to interfere with the Plaintiff's autonomous authority to determine medical management and return-to-play decisions related to student-athletes. (Complaint, ¶53). Plaintiff refused Defendant Franklin's attempts to influence and interfere with his decisions and reported Defendant Franklin's wrongdoing and infraction to Defendants Kevin P. Black, M.D., Sandy Barbour, and Charmelle Green as well as Penn State University's Athletic Integrity Officer, Mr. Robert Boland. (Complaint, ¶¶ 54-58).

It is further alleged that, on January 24, 2019, Defendants Sandy Barbour and Charmelle Green communicated a demand to Defendant Kevin P. Black, M.D. that the Plaintiff be relieved from his assignment as the Orthopedic Physician for the Penn State football team and Director of Athletic Medicine for Penn State University. (Complaint ¶60). Plaintiff believes and avers that this demand arose as a result of Plaintiff's good faith reporting of Defendant Franklin's attempt to influence his medical management decisions related to student-athletes. (Complaint ¶61). On January 28, 2019, Defendant Kevin P. Black, M.D., informed the Plaintiff of the demands made by Defendants Barbour and Green (Complaint ¶66). Thereafter, effective March 1, 2019, Defendant Kevin P. Black, M.D. relieved the Plaintiff from his assignment as the Intercollegiate Athletics Team Orthopedic Physician for the Penn State football team and Director of Athletic Medicine for Penn State University. (Complaint ¶67).

On February 4, 2019, Defendant Kevin P. Black, M.D., according to the allegations in the Complaint, published and circulated a Dear Colleague Letter that is attached to Plaintiff's Complaint as Exhibit 4. This letter contains this specific language: "I write to inform you of my decision to implement what I believe is a necessary change in the leadership of Athletic Medicine. Effective March 1, 2019, Dr. Wayne Sebastianelli will assume responsibility as Director of Athletic Medicine and football team physician." (Complaint, Ex. 4, p. 2). Plaintiff thereafter participated in an exit interview on February 21, 2019 with Penn State University Consultant for Human Resources Ms. Kristin Wright and Penn State University's Athletic Integrity Officer Mr. Robert Boland. (Complaint ¶69). During this interview, Plaintiff discussed the topic of Defendant Franklin's attempts to interfere with Plaintiff's autonomous authority as well as Plaintiff's written list of recommendations regarding medical care for intercollegiate athletes. (Complaint, ¶70-71).

Both the Penn State Defendants and the HMC Defendants filed Preliminary Objections to Plaintiff's Complaint. In their Objections, both sets of Defendants are seeking a demurrer to Plaintiff's claims for Violation of the Pennsylvania Whistleblower Law (43 P.S. §1421, *et seq.*) found at Counts I-VII as well as Plaintiff's claim for Civil Conspiracy to violate the provisions of the Pennsylvania Whistleblower Law, found at Count VIII.

Preliminary objections in the nature of a demurrer test the legal sufficiency of the complaint. When considering preliminary objections, all material facts set forth in the challenged pleadings are admitted as true, as well as all inferences reasonably deducible therefrom. Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief. If any doubt exists as to whether a demurrer should be sustained, it should be resolved in favor of overruling the preliminary objections.

Feingold v. Hendrzak, 15 A.3d 937, 941 (Pa. Super. Ct. 2011) (citations omitted).

Based on the allegations in the Complaint and the documents attached to the Complaint, both the Penn State Defendants and the HMC Defendants argue that it is clear on the face of the Complaint that Plaintiff's claims for Violation of the Pennsylvania Whistleblower Law are legally insufficient because they were brought after the statute of limitations for said claims had expired. It is ordinarily a question of law for the trial judge to determine if a statute of limitations has run on a claim. Devine v. Hutt, 863 A.2d 1160, 1167 (Pa. Super. Ct. 2004) (citations omitted).

In general, the statute of limitations is to be pled as a new matter. Pa. R.C.P. 1030(a). However, it may be raised in preliminary objections if the defense is clear on the face of the pleadings, and the Plaintiff does not file preliminary objections to Defendants' Objections. Petsinger v. Dep't of Labor & Indus., Office of Vocational Rehab., 988 A.2d 748, 758 (Pa.Cmwlt. 2010) (citations omitted). Even though it is procedurally erroneous to raise substantive defenses in preliminary objections, if the Plaintiff fails to file preliminary objections to the Defendants' objections, the Plaintiff has waived any procedural defect, and the trial court can rule on the Defendants' objections. Preiser v. Rosenzweig, 614 A.2d 303, 305 (Pa. Super. 1992) (citations omitted).

In the instant case, Plaintiff did not file Preliminary Objections to the Defendants' Preliminary Objections. Thus, we can review the Defendants' assertion that the Plaintiff's claims for Violation of the Pennsylvania Whistleblower Law are clearly time-barred based on the face of the Complaint and the exhibits attached thereto.

In order to review Defendant's arguments, it is important to look at why we have statutes of limitations in the first place. Statutes of Limitations are put in place by the legislature so that the "passage of time does not damage the defendant's ability to adequately defend against claims made." Dalrymple v. Brown, 549 Pa. 217, 223, 701 A.2d 164, 167 (1997). Furthermore, statutes of limitations supply "the place of evidence lost or impaired by lapse of time, by raising a presumption which renders proof unnecessary" Id. (citations omitted). Ordinarily, limitations periods are computed from the time that the cause of action accrued, which is defined as the time when the plaintiff could have first maintained the action to a successful conclusion. Fine v. Checcio, 582 Pa. 253, 266, 870 A.2d 850, 857 (2005) (citations omitted). In other words, "the statute of limitations begins to run as soon as the right to institute and maintain a suit arises." Id.

In the instant matter, Plaintiff has brought claims for violation of the Pennsylvania Whistleblower Act, which is codified at 43 P.S. §1421, *et seq.* This Act provides a specific limitations period of 180 days after the occurrence of the alleged violation. 43 P.S. §1424(a). Furthermore, this time limit is mandatory, and courts have no discretion to extend it. O'Rourke v. Pennsylvania Dep't of Corr., 730 A.2d 1039, 1042 (Pa.Cmwth. 1999). The term "alleged violation" is also specifically defined in the statute to include as follows:

No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer as defined in this act.

43 P.S. § 1423(a). Thus, based on a plain reading of the statute, the alleged violation can occur upon a threat to discharge an employee, and the limitations period does not necessarily start on the actual date of discharge.

There is not an abundance of case law setting forth when this 180 day limitations period begins, and most of what we have found is not precedential. However, the following cases are persuasive, based on the plain reading of the statute.

The United States Court of Appeals for the Third Circuit has stated, with respect to a claim of unlawful age discrimination, that "[i]t is well established that for purposes of filing a charge claiming unlawful discharge, the limitations period must be measured from the date on which the employee was advised of the decision to terminate his or her employment." Bailey v. United Airlines, 279 F.3d 194, 198 (3d Cir. 2002) (citations omitted). Based on this, the Third Circuit Court held that the limitations period

on a claim for wrongful discharge begins to run when the employer has reached a definitive conclusion to terminate the individual's employment and the employee has received unequivocal notice of the adverse employment decision. Id. at 199 (citations omitted).

More recently, the United States District Court for the Eastern District of Pennsylvania stated:

It is well-settled that when determining the timeliness of claims brought under the PHRA and the ADEA, "the proper focus must be the date on which the employer's decision to terminate is made and communicated to the employee and not the date when the consequences of this illegal act occurred or became painful." Consequently, "an adverse employment action occurs, and the statute of limitations therefore begins to run, at the time the employee receives notice of that action and termination is a delayed but inevitable result."

Koller v. Abington Mem'l Hosp., 251 F.Supp.3d 861, 864-65 (E.D. Pa. 2017) (internal citations omitted).

Based on this, the Pennsylvania Eastern District Court found that the allegedly discriminatory conduct occurred when the notice of termination was sent to the Plaintiffs on March 21, 2013, and their claims were thus time barred for not filing within the applicable limitations period. Id. at 865.

Neither of the above cases deals specifically with the limitations period in the Pennsylvania Whistleblower Act, but they are instructive as to how limitations periods usually are computed in wrongful discharge cases. O'Rourke gives us some guidance on the commencement of the limitations period in the Whistleblower Act by granting summary judgment as to any alleged acts of retaliation that occurred prior to July 25, 1996, which was exactly 180 days prior to the time that Plaintiff filed his Complaint.² O'Rourke, 730 A.2d at 1042.

The case that is most instructive to the instant matter is Kreiss v. Main Line Health, Inc., 2019 WL 2305747 (Pa. Super. Ct., May 29, 2019) which is an unpublished, non-precedential decision.³ In Kreiss, the Plaintiff was told on April 23, 2014 that his employment had been terminated, effective April 24, 2014. Id. at *2. Plaintiff initiated an action in the Philadelphia County Court of Common Pleas on October 21, 2014, which was exactly 180 days from April 24, 2014.⁴ Id.

² O'Rourke was not a discharge case, but instead involved various alleged acts of retaliation that occurred over a period of time after the Plaintiff made an allegedly good faith reporting of wrongdoing. Id. at 1041. Only those alleged acts of retaliation that occurred within 180 days from the filing of the Complaint were allowed to proceed to a trial. Id. at 1042.

³ Pursuant to Superior Court I.O.P. 65.37(B), since Kreiss was filed after May 1, 2019, it may be cited for its persuasive value.

⁴ Plaintiff alleged that his termination was in retaliation for his reporting of an incident involving one of the doctors at the Defendant Hospital. Id.

In Kreiss, Defendants ultimately argued that Plaintiff's claims were time barred under the applicable statute of limitations, which began to run on the date that Plaintiff was informed of his termination, that is, April 23, 2014. Id. at *5. Plaintiff thus initiated his action, 181 days after the alleged violation occurred. Id. The Pennsylvania Superior Court agreed with this argument, and found that Plaintiff's cause of action began to run on April 23, 2014, the date that he learned of his discharge from Defendant Paoli Hospital. Id. at *6. In holding this, the Court reviewed the plain language of the Whistleblower Act and concluded that the alleged violation is not necessarily the effective date of the employee's termination. Id. at *7. Rather, the alleged violation is when the alleged retaliatory action occurred. Id. As a result, the Court found that Plaintiff's claim was time-barred, by one day. Id. at *10.

Applied to the instant case, it is clear from the face of the Complaint that the "alleged violation" for purposes of the Whistleblower Act occurred when Plaintiff received the Dear Colleague letter from Defendant Kevin P. Black, M.D. This is when he was, at the very least, threatened with being discharged from his duties as Orthopedic Physician for the Penn State football team and Director of Athletic Medicine at Penn State.⁵ This letter was sent on February 4, 2019, but it is not clear on the face of the Complaint as to when Plaintiff received it. However, Plaintiff alleged in the Complaint that he participated in an exit interview on February 21, 2019. Plaintiff's Complaint ¶69. Thus, it is evident that Plaintiff knew that he was definitively being discharged from his duties at Penn State no later than February 21, 2019, and likely knew prior to this date.⁶ As a result, the 180 day limitations period began no later than February 21, 2019, and Plaintiff was required to file his claim no later than August 20, 2019. Since Plaintiff filed his claim on August 23, 2019, his claims for violation of the Pennsylvania Whistleblower Act are time-barred, and he may not pursue them. Moreover, Plaintiff's claims for Conspiracy to violate the Pennsylvania Whistleblower Act are also time-barred because "it 'is well-settled that the statute of limitations for conspiracy is the same

⁵ A plain reading of this letter shows that Defendant Black had made the unequivocal decision to discharge Plaintiff from his duties at Penn State. See Plaintiff's Complaint, Exhibit 4, p. 2. However, the Whistleblower Act does not require actual discharge in order to constitute an "alleged occurrence" See 43 P.S. § 1423(a) ("No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment...").

⁶ There is an email that is attached to Plaintiff's Complaint that appears to be an email to Plaintiff enclosing the Dear Colleague letter. This email is dated February 6, 2019. See Plaintiff's Complaint, Exhibit 4, p. 1. Thus, it appears that Plaintiff received this letter on or around February 6, 2019. However, since it is not clear on the face of the Complaint, we will limit our analysis to the facts that have been alleged in the Complaint, specifically with respect to Plaintiff participating in an exit interview on February 21, 2019. Plaintiff's Complaint ¶69.

as that for the underlying action which forms the basis of the conspiracy.” Rice v. Diocese of Altoona-Johnstown, 212 A.3d 1055, 1062 (Pa. Super. Ct. 2019) (citations omitted).

It might appear that this is a harsh result, but, as noted above, the 180 day limitations period is mandatory and may not be extended by the Court by even one day. O'Rourke, 730 A.2d at 1042; See also Kreiss, 2019 WL 2305747 at *10 (finding that a claim that was filed one day after the 180 day limitations period was time-barred). Moreover, if we were to forgive one day of lateness, would we then have to forgive five days of lateness? Or ten? Where would we draw the line? Simply put, we do not have to draw that line as the legislature has done it for us by providing a clear cut, bright line limitations period of 180 days, no more, no less.

The fact that Plaintiff's Whistleblower claims are time-barred does not necessarily throw the Plaintiff completely out of Court. Plaintiff still has pending claims against the HMC Defendants for violations of public policy. The HMC Defendants have preliminarily objected to these claims as well, asserting that they are legally insufficient and that Plaintiff did not suffer an adverse employment action.

The argument that Plaintiff did not suffer an adverse employment action is clearly belied by even a cursory review of the Complaint, the allegations of which we must accept as true for purposes of Preliminary Objections. As noted above, Plaintiff was discharged from both his position as the Athletic Director at Penn State and his position as the Orthopedic Physician for the Penn State football team. This clearly constitutes an adverse employment action, despite the fact that he remains employed by HMC.

As to the HMC Defendants' remaining objections, Plaintiff has alleged sufficient facts to set forth claims against both Defendant Black and Defendant The Milton S. Hershey Medical Center for violation of public policy at this point in the proceedings. Plaintiff has alleged that Defendant Black personally participated in the alleged violations. Furthermore, Plaintiff, as a licensed medical doctor, must comply with the procedures set forth in the Medical Practice Act, codified at 63 P.S. §422.1, *et seq.* He has sufficiently alleged that he lost both of his positions at Penn State as a result of his attempts to comply with the Medical Practice Act. This is sufficient to state a claim for violation of public policy, and this issue is better left to the dispositive motion stage.

For the foregoing reasons, we enter the following Order:

ORDER

AND NOW, this 29th day of April, 2020, upon consideration of the Preliminary Objections filed by Defendants The Pennsylvania State University, Sandy Barbour, Charmelle Green, and James Franklin (collectively referred to as the “Penn State Defendants”) and the Preliminary Objections filed by Defendants Penn State Health, the Milton S. Hershey Medical Center, and Kevin P. Black, M.D. (collectively referred to as the “HMC Defendants”) and Plaintiff’s responses thereto, and having heard oral argument on December 18, 2019, for the reasons set forth in the attached Memorandum Opinion, it is hereby ORDERED as follows:

1. Counts I-VIII of Plaintiff’s Complaint are hereby DISMISSED with prejudice due to being untimely filed;

2. The Penn State Defendants are hereby DISMISSED from the above-captioned matter as there are no remaining viable claims against them;

3. HMC Defendants’ Objections to the remaining counts in Plaintiff’s Complaint are DENIED.

4. Plaintiff is hereby GRANTED twenty (20) days from the date of this Order to file an Amended Complaint that eliminates all allegations specific to the Penn State Defendants and/or Plaintiff’s claims for violation of the Pennsylvania Whistleblower Act.

a record upon which it can assert a claim under Section 324A based upon either increased risk or upon reliance.

Accordingly, this court enters the following:

ORDER

AND NOW, this 4th day of May 2020, upon consideration of the Defendant's Motion for Summary Judgment, it is hereby directed that for the reasons set forth above, the Motion is **GRANTED** and Plaintiffs' Complaint is dismissed, with prejudice.

Mancini v. Swatara Township Zoning Hearing Board

Municipal Corporations - Land Use Appeal - Digital Billboard

Appellant submitted a zoning permit application to erect an off-premises digital sign, which was denied by a Zoning Officer due to ordinances related to spacing and setbacks for off-premises signs. After filing an appeal with the Swatara Township Zoning Hearing Board, a hearing was conducted. Following the hearing, the Board voted to deny Appellant's appeal. The Appellant appealed this decision. The parties agreed that no new evidence would be introduced to the court.

1. The standard of review when no additional evidence is taken is whether the board committed an error of law or abused its discretion. *Valley View Civic Ass'n v. Zoning Bd. of Adjustment*, 501 Pa. 550, 554, 462 A.2d 637, 639 (1983). A board abuses its discretion only if its findings are not supported by substantial evidence, which is defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Id.* At 555, 462 A.2d at 640.

2. The Swatara Township zoning ordinance defines "Sign" as "[a]ny physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, **devices**, or representations." §202 (Definitions) of Swatara Township Zoning Ordinances (emphasis added). As such, the Ordinance specifically includes the whole "device," which necessarily includes the unipole that the sign is to be mounted on as well as the back of the sign. It is not error to determine that the whole "device" that is used to mount a sign constitutes a sign. Appellant would have no sign without the structure supporting the sign.

Land Use Appeal. C.P., Dau. Co., No. 2019-CV-4537-LU. Appeal denied.

Andrew H. Ralston, Jr., for the Appellant

Steven A. Stine, for the Appellee

Dowling, J., May 5, 2020

MEMORANDUM OPINION

Presently pending before this Court is Appellant, Scott A. Mancini's Notice of Appeal from the Swatara Township Zoning Hearing Board's May 21, 2019 decision. The facts of this case are as follows: on January 2, 2019, Appellant submitted a zoning permit application to Swatara Township to erect an off-premises digital sign on property located at 200 South 41st Street in Harrisburg ("Proposed Northbound Sign").

Specifically, the Proposed Northbound Sign is a single faced fourteen (14) foot by forty-eight (48) foot off-premises digital billboard on property owned by Craig Eshenauer, LLC. The Property is located in the Limited Manufacturing M-L Zoning District. The billboard would be erected on a steel unipole structure, and the face of the sign will be visible only to motorists traveling northbound on I-83. However, the back of the sign and the structure would be visible to motorists traveling southbound on I-83 and any residents in the area. There is currently a structure that is located six hundred thirty-seven (637) feet away from the Proposed Northbound Sign (“Existing Southbound Structure”). Furthermore, the Proposed Northbound Sign would be located one hundred forty-five (145) feet from an existing residential dwelling.

On January 15, 2019, the Zoning Officer denied Appellant’s application due to ordinances related to spacing and setbacks for off premises signs. On February 7, 2019, Appellant filed an appeal with the Swatara Township Zoning Hearing Board (ZHB). A Hearing proceeded on April 24, 2019. At the Hearing, Appellant produced two witnesses: himself and Lois Arciszewski, who is an expert in outdoor advertising and zoning ordinances related to same. Following the Hearing, the ZHB voted to deny Appellant’s appeal, and issued its written decision on May 21, 2019.¹

Appellant appealed this decision on June 19, 2019. On appeal, the parties agreed that the testimony and exhibits that were introduced can be reviewed at the appeal level, and that no new evidence would be introduced.

The standard of review when no additional evidence is taken is whether the board committed an error of law or abused its discretion. Valley View Civic Ass'n v. Zoning Bd. of Adjustment, 501 Pa. 550, 554, 462 A.2d 637, 639 (1983) (citations omitted). A board abuses its discretion only if its findings are not supported by substantial evidence, which is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Id.* at 555, 462 A.2d at 640.

This case hinges on the definition of the term “sign,” which reminds the undersigned of the song “Signs” by the group Five Man Electrical Band. That song features the chorus: “Sign, sign,

¹ Specifically, the ZHB found that the Proposed Northbound Sign violated §295-114.D(4) of Swatara Township Zoning Ordinances, which requires a separation of 1,000 feet between any two off-premises signs that are greater than 20 square feet in sign area. The ZHB also found that the Proposed Northbound Sign would violate §295-114.D(8) of Swatara Township Zoning Ordinances, which requires that off-premises signs greater than 20 square feet in sign area be located at least 250 feet from existing dwellings and residential districts.

everywhere a sign. Blockin' out the scenery, breakin' my mind." This chorus seems to indicate that a sign is not just the message on the front, as Appellant would like us to believe, but is instead the entire structure, as Swatara Township is arguing. However, we do not need to rely on the chorus of a song in reaching our decision since the applicable zoning ordinance also defines the term "sign" as including the entire structure and not just the visually communicative portion.

The Swatara Township zoning ordinance, defines a "Sign" as "[a]ny physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices, or representations." §202 (Definitions) of Swatara Township Zoning Ordinances. An off-premises Sign is defined as "[a] sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located." §202 (Definitions) of Swatara Township Zoning Ordinances.

In a case involving a similar definition of sign in a zoning ordinance², the Pennsylvania Commonwealth Court upheld the Cumberland County Court of Common Pleas' refusal to allow a car dealership to install searchlights. Specifically, the Court stated: "[w]hile Sutliff attempts to direct its argument solely to the beam of light emanating from these searchlights, Sutliff ignores the whole "device" in this case, i.e., the movable trailer with the mounted canisters producing beams of light. Moreover, we see no other purpose to the use of these searchlights other than to convey attention to the dealerships and/or highlight special sales." *Sutliff Enterprises, Inc. v. Silver Spring Twp. Zoning Hearing Bd.*, 933 A.2d 1079, 1081 (Pa.Cmwlth. 2007). The Court thus held that there was no error or abuse of discretion in finding that these searchlights constituted a sign. *Id.*

The subject Ordinance specifically defines a sign as "including all symbols, words, models, displays, banners, flags, **devices**, or representations" §202 (Definitions) of Swatara Township Zoning Ordinances (emphasis added). As such, the Ordinance specifically includes the whole "device," which necessarily includes the unipole that the sign is to be mounted on as well as the back of the sign. As set forth in *Sutliff*, it is not error to determine that the whole "device" that is used to mount a sign constitutes a sign. Furthermore, as Five Man Electrical Band has noted, signs block out scenery. This is true whether one is talking about the front of the sign where the visually communicative message is, or the back of the

² Specifically, the ordinance in that case defines "SIGN" as "[a] device for visual communication that is used to bring the subject to the attention of the public, but not flags or other insignia of any government, fraternal, or similar organization." §112.C of Silver Spring Township Zoning Ordinances.

sign, which is a necessary component of the sign itself. Additionally, the Appellant would have no sign without the structure supporting the sign.

The song "Signs" concludes:

"And the sign said everybody welcome, come in, kneel down and pray. But when they passed around the plate at the end of it all, I didn't have a penny to pay. So I got me a pen and a paper, and I made up my own little sign. It said:"

AND NOW, we find that the Swatara Township Zoning Hearing Board did not commit an error of law or abuse its discretion in denying Appellant's application.

For the foregoing reasons, we enter the following Order:

ORDER

AND NOW, this 15th day of January, 2020, upon consideration of the Land Use Appeal that was filed by Appellant Scott A. Mancini and any responses filed thereto, and having heard oral argument on December 12, 2019, it is hereby ORDERED, for the reasons set forth in the attached Memorandum Opinion, that Appellant's Appeal is DENIED. It is further ORDERED that the decision of the Swatara Township Zoning Hearing Board with respect to Appellant is AFFIRMED.

FIRST PUBLICATION

ESTATE NOTICES

ESTATE OF IRVIN EDGAR a/k/a IRVIN TARENCE EDGAR, late of Derry Township, Dauphin County, PA, (died: March 21, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Michelle K. Dugan, 3052 Triplecrown Dr., North Bend, OH 45052

Attorney: Jean D. Seibert, Esquire, Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110 m29-jn12

ESTATE OF JEFFREY A. PAINE, late of Hummelstown Borough, Dauphin County, PA (died: March 7, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Jared P. Paine or Jesse T. Paine, 549 S. Crawford Road, Hummelstown, PA 17036

Attorney: Jean D. Seibert, Esquire, Caldwell & Kearns, PC, 3631 N. Front St., Harrisburg, PA 17110 m29-jn12

ESTATE OF DENNIS A. MALOSKEY, late of Millersburg Borough, Dauphin County, PA (died: February 7, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administratrix: Michelle A. Maloskey, 1645 Palm St., Hershey, PA 17033

Attorney: Jean D. Seibert, Esquire, Caldwell & Kearns, PC, 3631 N. Front St., Harrisburg, PA 17110 m29-jn12

ESTATE OF LETTIE NAOMI LEIDIGH a/k/a LETTIE N. LEIDIGH, late of 4712 Clarendon Street, Harrisburg, Lower Paxton Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Eric Leidigh, c/o Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110 m29-jn12

ESTATE OF DELLA M. REEDER, late of Susquehanna Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: David W. Reeder, 470 River Drive, York Haven, PA 17370

Attorney: Rand A. Feder, Esquire, Morris & Vedder, LLP, 32 N. Duke St., P.O. Box 149, York, PA 17405-0149 m29-jn12

ESTATE OF CORRINE S. DIETRICH, late of Halifax Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Todd A. Dietrich, 22 Maple Avenue, Halifax, PA 17032

Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101 (717) 234-5600 m29-jn12

ESTATE OF C. F. NODINE a/k/a CALVIN F. NODINE, late of Derry Township, Dauphin County PA (died: March 19, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executrixes: Renee Nodine of Annville, PA and Farrell Friedenber of Churchville, PA

Attorney: Jacqueline A. Kelly, Esquire, JSDC Law Offices, 555 Gettysburg Pike, Suite C400, Mechanicsburg, PA 17055, 717-533-3280
m29-jn12

ESTATE OF TRACY E. KOPP a/k/a TRACY ELAINE KOPP, late of Derry Township, Dauphin County, PA (died: April 25, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executrix: Jennifer L. Kipp, 27 Oatfield Lane, Palmyra, PA 17078

Co-Executrix: Evadne J. Kopp, 109 Laurel Drive, Hershey, PA 17033

Attorney: Christa M. Aplin, Esquire, JSDC Law Offices, 11 East Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-3280
m29-j12

ESTATE OF DARLENE M. BUIE, late of 606 North 16th Street, Harrisburg, Harrisburg City, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Antoine D. Buie, c/o Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110
m29-j12

SECOND PUBLICATION

ESTATE OF JOAN RENNINGER aka JOAN E. RENNINGER, late of Lower Paxton Township, Dauphin County, PA (died: March 2, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Jean D. Seibert, Esquire c/o Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110
m22-jn5

ESTATE OF KENNETH R. WHISLER, late of Hummelstown Borough, Dauphin County, PA (died: March 23, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Kendra L. Rankin, 542 W. Caracus Ave., Hershey, PA 17033

Attorney: Jean D. Seibert, Esquire, Caldwell & Kearns, 3631 North Front Street, Harrisburg, PA 17110
m22-jn5

ESTATE OF KALLIE A. BEACHTEL, late of West Hanover Township, Dauphin County, PA (died: October 31, 2019)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Tara D. Beachtel, c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110

Attorney: Estate of Kallie A. Beachtel c/o Hazen Law Group, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110
m22-jn5

ESTATE OF DOUGLAS G. JORICH, late of South Hanover Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Donald W. Jorich, 6409 Brittan Road, Harrisburg, PA 17111

Attorney: Robert Freedenberg, Esq., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101
m22-jn5

ESTATE OF IRWIN S. TOLINS aka IRWIN SOLOMON TOLINS, late of Lower Paxton Township, Dauphin County, PA (died: March 30, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the

Executor without delay.

Executrix: Amy Mann, 5425 Sequoia Farms Drive, Centerville, VA 20120

Attorney: Christa M. Aplin, Esquire, JSDC Law Offices, 11 East Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-3280

m22-jn5

ESTATE OF GOVAN A. MARTIN, JR., late of Susquehanna Township, Dauphin County, PA (died: March 27, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrators: Ashley M. Martin & Govan A. Martin, III

Attorney: Colleen A. Baird, Martson Law Offices, 10 East High Street, Carlisle, PA 17013

m22-jn5

ESTATE OF EVELYN B. SLAUGHTER, late of West Hanover Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Co-Executors: John W. Slaughter II and Kathryn J. Pope, c/o Keith D. Wagner, P. O. Box 323, Palmyra, PA 17078 Attorney. m22-jn5

THIRD PUBLICATION

ESTATE OF LESTER F. KENFIELD, late of Lower Swatara Township, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: John R. Zonarich, SkarlatoZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101

Attorney: Jennifer M. Merx, Esq., SkarlatoZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101 m15-29

ESTATE OF RUTH BROWN GREENE, late of Harrisburg, Dauphin County, PA, (died: March 27, 2018)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Suzanne Greene, PO Box 73395, San Clemente, CA 92673 m15-29

ESTATE OF KERRY ANNE DRAYTON a/k/a KERRY A. DRAYTON WALLACE, late of Harrisburg City, Dauphin County, PA

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Administrator: Stephen Drayton, 100 Oaklea Road, Harrisburg, PA 17110

Attorney: Elizabeth B. Place, Esq., SkarlatoZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101 m15-29

ESTATE OF GEORGE H. VAN WAGNER late of Middle Paxton Township, Dauphin County, PA (died: February 23, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: G. Michael and Wendy J. Van Wagner, 1300 Overlook Street, Dauphin, PA 17018

Attorney: Nicholas A. Fiaschetti, Esq., McCarthy Tax Law, P.C., 2041 Herr Street, Harrisburg, PA 17103 m15-29

ESTATE OF ELKE POTTEIGER, late of the Township of Lower Paxton, Dauphin County, PA (died: February 20, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executrix: Ruth M. Jarvis, 600 Valley St., Marysville, PA 17053

Attorney: Madelaine N. Baturin, Esquire, BATURIN & BATURIN, 2604 North Second Street, Harrisburg, PA 17110, (Attorneys for the Estate) m15-29

ESTATE OF JOSEPH S. MEIZEN, late of Derry Township, Dauphin County, PA, (died: April 18, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: David J. Meizen, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. m15-29

ESTATE OF CHARLES R. PEGUESE, late of Harrisburg City, Dauphin County, PA (died: March 23, 2020)

The Register of Wills has granted Letters on the Estate of the Decedent. Notice is hereby given to request all persons having claims against the decedent to make known the same to the Executor or attorney, and all persons indebted to the decedent to make payment to the Executor without delay.

Executor: Nathaniel Hench, 256 Herr Street, Harrisburg, PA, 17102

Attorney: Catherine E. Rowe, Esq., 132 State Street, Harrisburg, PA, 17101 m15-29

FIRST PUBLICATION

CORPORATE NOTICES

NOTICE IS HEREBY GIVEN that **Allstates WorldCargo, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located at 2275 Research Blvd, Ste 500, North Potomac, MD 20850, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/12/20, 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. m29

NOTICE IS HEREBY GIVEN that **MINDSTRONG HEALTH SERVICES (FL), P.A.**, a foreign corporation formed under the laws of the State of Florida and with its principal office located 303 Bryant St, Mountain View, CA 94041, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 4/9/20, 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. m29

NOTICE IS HEREBY GIVEN **Treasury Intelligence Solutions Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 1 Broadway, 14th Floor Cambridge, Massachusetts 02142. The commercial registered office provider 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. m29

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 7, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **YAHBY GIRL, INC.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of California.

The address of its principal office is 5920 Lemona Avenue, Sherman Oaks, CA 91411.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. m29

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 12, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Katapult Group, Inc.** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 27 W. 24th St., Suite 1101, New York, NY 10010. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. m29

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 21, 2020, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **AMC of PA. Corp.** c/o United Corporate Services, Inc.

This corporation is incorporated under the laws of New York.

The address of its principal office is 4 Executive Blvd., Suite 100, Suffern, NY 10901.

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

m29

NOTICE IS HEREBY GIVEN **Stibo Systems, Inc.** filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 3200 Windy Hill Road, S.E., Suite 1200 West, Atlanta GA 30339. The commercial registered office provider is Paracorp Incorporated, Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412. m29

NOTICE IS HEREBY GIVEN **Skytrac Access Group Inc** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 50-05 47th Avenue, Woodside, NY 11377. The Commercial Registered Office 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. m29

NOTICE IS HEREBY GIVEN that **Molecular Templates, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located at 9301 Amberglen Blvd, Austin, TX 78729, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 5/14/20, 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. m29

NOTICE IS HEREBY GIVEN **GTR KING SOU, INC.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 3522 Ashford

Dunwoody Rd., Ste. 135, Atlanta, GA 30319, 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. m29

NOTICE IS HEREBY GIVEN that **Realyze Intelligence, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located at 3881 Grove Road, Gibsonia, PA 15044, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. m29

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed under the provisions of the PA Business Corp. Law of 1988 with the Dept. of State by **Trilogy Writing & Consulting, Inc.**, a NC corporation, having a principal office address at 200 Meredith Dr., Ste. 201, Durham, NC 27713, and Corporation Service Company as its Commercial Registered Office Provider in PA.

FOX ROTHSCHILD LLP, Solicitors
2000 Market St., 20th Fl.
Philadelphia, PA 19103

m29

FICTITIOUS NAME NOTICES

NOTICE IS HEREBY GIVEN, pursuant to the Fictitious Names Act of 1982 (54 Pa.C.S. §§ 301 et seq.), of the filings of CAPITAL ENERGY PA LLC, a Pennsylvania limited liability company with a principal place of business at 1770 St. James Place, Suite 606, Houston, TX 77056 and a registered office located at 100 North Tenth Street, Harrisburg, PA 17101, in the Pennsylvania Department of State Bureau of Corporations and Charitable Organizations, to conduct business in the Commonwealth, under the assumed or fictitious names of **SUNRISE POWER & GAS and VALUE POWER.** m29

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 January 29, 2020 for **Green Tree Property Care & Maintenance** at 4965 Montclair Ct., Harrisburg, PA 17112. The name and address of each individual interested in the business is William M Tillettt at 4965 Montclair Ct. Harrisburg, PA 17112. This was filed in accordance with 54 Pa.C.S. 311. m29

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 **PeopleStrategy Insurance Services** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 5/18/2020. Purpose: Insurance Brokerage Services. Principal place of business: 2035 Lincoln Highway, Suite 1080, Edison, NJ 08817. The names and addresses of the persons/entity owning or interested in said business are Randy Cooper, Steven Payne and Michael Press, all with an address of 2035 Lincoln Hwy., Ste. 1080, Edison, NJ 08817-3352. The address of the PA reg'd office is c/o Corporation Service Co. in Dauphin County. m29

MISCELLANEOUS NOTICES

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that on May 22, 2020, pursuant to Rule 214(d)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Bradley Adam Winnick (#78413) of Dauphin County, PA, be placed on Temporary Suspension until further definitive action by the Supreme Court, to be effective June 21, 2020.

Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania
m29

SECOND PUBLICATION

MISCELLANEOUS NOTICES

NOTICE OF AUDIT

TO LEGATEES, NEXT OF KIN, CREDITORS AND ALL OTHER PERSONS CONCERNED:

NOTICE IS HEREBY GIVEN that the following accounts have been filed by the respective accountants in the Office of the Register of Wills or with the Clerk of the Orphans' Court Division of the Common Pleas of Dauphin County, as the case may be, and that the same shall be duly presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled thereto June 24, 2020. Pursuant to Pennsylvania Orphans' Court Rule 2.7(b) (formerly Dauphin County Orphans' Court Rule 6.10.1), objections to an account must be filed in writing with the Register or Clerk *no later than the close of business on June 23, 2020*.

1. ROHRBACH, DAVID MATTHEW, Deceased, First and Final Account of Mark Allen Rohrbach, Administrator.

May 18, 2020 Jean Marfizo King
Register of Wills & Clerk of the Orphans' Court
m22-29

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BAR ASSOCIATION PAGE
Dauphin County Bar Association
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BAR ASSOCIATION PAGE
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DAUPHIN COUNTY COURT SECTION

Opinions Not Yet Reported

Tully, J., April 20, 2020; Commonwealth v. Anderson; Motion to Suppress; C.P., Dau. Co. No. CP-22-CR-0004013-209; Motion Granted

Tully, J., April 6, 2020; Commonwealth v. Weathers; Motion to Suppress; C.P. Dau. Co. No. CP-22-CR-0002937-2017; Motion Granted

Tully, J., April 28, 2020; Commonwealth v. O'Brian; Pa.R.A.P. 1925 (A) Opinion; C.P. Dau. Co. No. CP-22-CR-0003612-2018

Dowling, J., March 26, 2019 and affirmed April 27, 2020; HPT TA Properties Trust v. Township of West Hanover; Dau. Co. No. 2013-CV-10597-CV

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