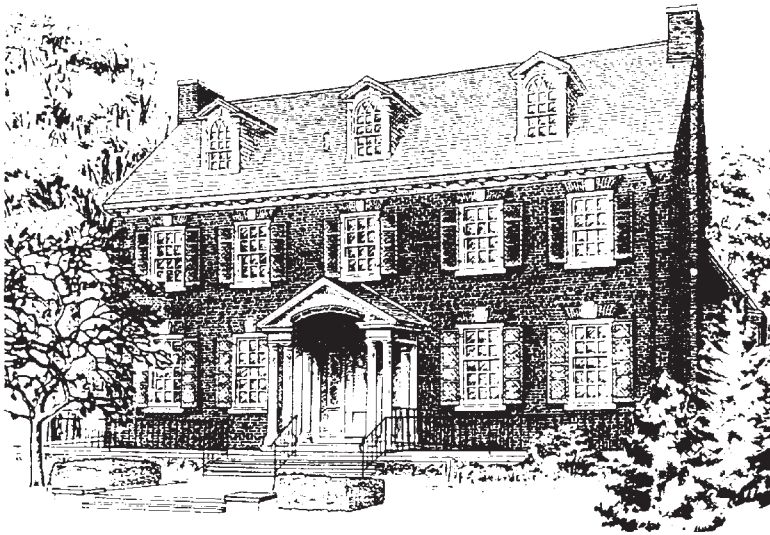


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The Bar Association of Lehigh County

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(USPS 309560)

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9-9, 16, 23

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NOTICE DATE: September 6, 2016

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9-23

DIANTHE GELOK, APPELLANT vs. DAVID R.
BRYCE, D.O., DAVID C. PRESTOSH, D.O., ST. LUKE'S
UNIVERSITY HEALTH NETWORK, ST. LUKE'S, ST.
LUKE'S UNIVERSITY HOSPITAL, APPELLEES

*Medical Professional Liability Action—Certificates of Merit—
Praecepta for Entry of Judgment of Non Pros—Reasonable
Excuse for Delay in Prosecuting Claim.*

Where a plaintiff fails to provide a reasonable excuse for her delay in timely filing Certificates of Merit against the defendants, the court will deny the plaintiff's Petition for Relief from Judgment of *Non Pros*.

In the Court of Common Pleas of Lehigh County, Pennsylvania—Civil Division. No. 2014-C-3495. Dianthe Gelok, Appellant vs. David R. Bryce, D.O., David C. Prestosh, D.O., St. Luke's University Health Network, St. Luke's, St. Luke's University Hospital, Appellees.

THOMAS F. SACCHETTA, ESQUIRE and BRUCE H. MACKNIGHT, JR., ESQUIRE, on behalf of Dianthe Gelok.

MARK R. ZOLFAGHARI, ESQUIRE, on behalf of David R. Bryce, D.O., St. Luke's University Health Network, St. Luke's, and St. Luke's University Hospital.

SUPPLEMENTAL Pa. R.A.P. 1925(a) STATEMENT

AND NOW, this 21st day of October, 2015, the undersigned enters the following statement pursuant to Pennsylvania Rules of Appellate Procedure 1925(a):

By Order of Court dated September 28, 2015, the Pennsylvania Superior Court remanded the instant case to this Court to submit a supplemental 1925(a) opinion to the Pennsylvania Superior Court within 30 days. The Order of Court specifically sought a supplemental opinion that would "explain the legal basis and facts supporting the trial court's conclusion that Appellant's [sic] failed to provide, 'a reasonable explanation or legitimate excuse for the conduct that gave rise to the entry of judgment of non pros.'" *Gelok v. Bryce*, 842 EDA 2015 (Pa. Super. 2015).

On February 18, 2015, this Court entered an Order denying Appellant's Petition for Relief from Judgment of non pros. On March 19, 2015, Appellant, Dianthe Gelok, filed a Notice of Appeal to the Superior Court of Pennsylvania at Docket Number 842 EDA 2015. This Court, on March 26, 2015, directed Appellant Dianthe Gelok to file a Concise Statement of Matters Complained of on Appeal and Appellees to respond thereto. On April 10, 2015, Appellant, Dianthe Gelok, timely filed her statement, pursuant to Pa. R.A.P. 1925(b).

Appellant, Dianthe Gelok, contends that the trial court erred in its February 18, 2015, Order denying *Plaintiff's Petition for Relief from Judgment of Non Pros*. The reasons for the Court's decision are set forth in the attached opinion and we incorporate them herein.

VARRICCHIO, J., October 21, 2015. This Opinion is filed in support of our Order of February 18, 2015, denying *Plaintiff's Petition for Relief from Judgment of Non Pros*. This is a medical professional liability negligence case arising out of Appellant's November 6, 2012, visit to St. Luke's University Hospital's emergency room.¹ Appellant arrived at the hospital suffering from shortness of breath and epigastric pain.² Appellant alleges that on November 6, 2012, she received an evaluation and treatment from Appellee, Dr. David Bryce and Defendant, Dr. David Prestosh.³ Appellant alleges that Dr. Bryce and Dr. Prestosh misdiagnosed her with a peptic ulcer disease and gastric reflux when in fact she was suffering from blockage of the proximal left anterior descending coronary artery.⁴ Appellant further alleges that due to the negligence of Appellees and Dr. Prestosh, "including failing to have proper protocols and procedures in place and failure to properly treat and diagnose plaintiff's condition, plaintiff sustained cardiac damage and suffers from ischemic cardiomyopathy."⁵

¹ Appellant's Compl. ¶¶8-12.

² *Id.* at ¶11.

³ *Id.* at ¶2.

⁴ *Id.* at ¶¶17-18.

⁵ *Id.*

In her Concise Statement of Matters Complained of on Appeal, Appellant raises two matters from which the following is taken verbatim:⁶

1. The Lower Court erred in refusing to grant Ms. Gelok's petition for relief from the judgment of *non pros* entered against her since the Defendants failed to serve her with a time-stamped copy of their notice of intent to enter judgment of *non pros*, and did not otherwise apprise her of the date that the document was filed, until she was served with their praecipe for judgment of *non pros*?

2. The Lower Court erred in refusing to grant Ms. Gelok's petition for relief from the judgment of *non pros* entered against her since the Defendants never averred or even suggested, that they were in any way prejudiced by the confusion surrounding the certificate of merit?

These matters are substantially the same arguments that were presented to this Court in Appellant's Petition for Relief from Judgment of *Non Pros* and Appellant's Motion for Reconsideration of the Order of February 18, 2015 Denying Plaintiff's Petition for Relief from *Non Pros*.

The relevant procedural background is as follows. Appellant filed the initial Complaint on October 31, 2014. On November 19, 2014, Mark R. Zolfaghari, Esq., counsel for Defendants, David R. Bryce, D.O., St. Luke's University Health Network, St. Luke's and St. Luke's University Hospital, entered his appearance. Defendant David C. Prestosh, D.O. remains unserved in this action and consequently is unrepresented, hereinafter when the Court refers to defendants or appellees, Defendant Prestosh will not be included. Pursuant to Pennsylvania Rule of Civil Procedure, hereinafter Pa. R.C.P. 1042.3, for all professional liability actions, a certificate of merit must be filed either "with the complaint or within sixty days after the filing of the complaint." Pa. R.C.P. 1042.3. Thus, Appellant's Certificates of Merit needed to be filed no later than Tuesday, December 30, 2014. There is an exception contained in Pa. R.C.P.

⁶ Appellant's Statement of Matters Complained of on Appeal, ¶¶1-2.

1042.3(d), which permits the Court, upon good cause shown, to extend the time for filing a certificate of merit when the motion is filed by the thirtieth day after the filing of a notice of intention to enter judgment of *non pros*. Here, however, Appellant did not seek an extension of time from the Court for the filing of the certificates of merit.

Prior to December 30, 2014, by letter on December 4, 2014, counsel for Appellees mailed a letter to counsel for Appellant stating that he had enclosed “our Notice of Intention to Enter Judgment Non-Pros for Failure to File a Certificate of Merit.” Counsel for Appellees also attached to his letter to counsel for Appellant a copy of the letter dated December 4, 2014, addressed to Andrea Naugle, Clerk of Courts/Civil stating “please find an original and one (1) copy of the Notice of Intention to Enter Judgment of *Non Pros* for Failure to File a Certificate of Merit behalf[sic.] of Defendants, David R. Bruce, D.O., St. Luke’s University Hospital, St. Luke’s and St. Luke’s University Hospital. *Kindly file the original.*”⁷ Appellant admits to receiving this non time-stamped copy of the Notice of Intention to Enter Judgment and even attached the copy of the December 4, 2014, letter to Andrea Naugle as part of Exhibit B to Appellant’s Petition for Relief from Judgment of *Non Pros*.⁸ Both parties admit that this Notice of Intention to Enter Judgment was not a time-stamped copy.⁹ Appellees’ Notice of Intention to Enter Judgment of *Non Pros* was received by the Clerk of Courts on December 9, 2015, and was filed that same day. Their Notice of Intention to Enter Judgment of *Non Pros* stated, “[p]ursuant to Pennsylvania Rule of Civil Procedure 1042.7, I intend to enter a judgment of *non pros* against you after thirty (30) days of the date of the filing of this notice if a certificate of merit is not filed as required by Rule 1042.3.”¹⁰

No Certificate of Merits were filed on December 30, 2014 and no requests for an extension of the time to file the certificates

⁷ Appellant’s Pet. for Relief from Judgment of *Non Pros*, Ex. B. (emphasis added).

⁸ *Id.* at ¶6, Ex. B.

⁹ *Id.* at ¶6; Appellees’ Opposition to Pl.’s Pet. for Relief from Judgment of *non pros*, ¶3.

¹⁰ Appellant’s Pet. for Relief from Judgment of *non pros*, Ex. B.

of merit were filed with the Court by January 8, 2015.¹¹ On January 13, 2015, thirty-five (35) days after the filing of the Notice of Intention to Enter Judgment, Appellees filed a Praecipe for Judgment of *Non Pros* of Defendants, David R. Bryce, D.O., St. Luke's University Health Network, St. Luke's, and St. Luke's University Hospital Pursuant to Pa. R.C.P. 1042.7. Attached to the Praecipe for Judgment of *Non Pros*, was a Certificate of Service wherein Attorney Zolfaghari stated that, "I served a copy of a Notice of Intention to Enter Judgment of *Non Pros* ... via regular mail upon the following: Thomas F. Sacchetta, Esq., Sacchetta & Baldino, 308 East Second Street, Media, PA 19063." A judgment of *Non Pros* was entered that same day as to Appellees David R. Bryce, D.O., St. Luke's University Health Network, St. Luke's, and St. Luke's University Hospital.

On January 20, 2015, Appellant filed her Petition for Relief from Judgment of *Non Pros*. Additionally on January 20, 2015, Appellant filed Certificates of Merit against Appellees David R. Bryce, D.O., St. Luke's University Health Network, St. Luke's, and St. Luke's University Hospital. Appellant's Petition for Relief from Judgment of *Non Pros* alleged that Appellant's counsel was, "never advised of the actual date of filing of the Notice of Intention to Enter Judgment and was, therefore, unable to determine the date by which Certificates of Merit must be filed."¹² Appellant's Pet., ¶10. On January 21, 2015, this Court issued a Rule to Show Cause why Appellant's Petition for Relief from Judgment of *Non Pros* should not be granted and argument was held on February 18, 2015. After argument, by Order of Court dated February 18, 2015, this Court found that "Defendants properly complied with the service upon Plaintiff of the Notice of Intent to

¹¹ Thursday, January 8, 2015, was the thirtieth day after the filing of the notice of intention to enter judgment of *non pros*. See Pa. R.C.P. 1042.3(d).

¹² This statement ignores that Pennsylvania Rule of Civil Procedure 1042.3, requires a Certificate of Merit to be filed, either with the complaint or within sixty days after the filing of the complaint and thus Appellant was on notice from the date of the filing of the Complaint that the Certificate of Merits needed to be filed by December 30, 2014, and the fact that Appellant received a Notice of the Intention to Enter Judgment of *Non Pros* for Failure to File a Certificate of Merit attached to a letter addressed to the Clerk of Courts dated December 4, 2014, asking her to kindly file said Notice.

Enter Judgment of *Non Pros* for Failure to File Certificate of Merit pursuant to Pa.R.C.P. 1042.6(a)” and denied the Petition for Relief. On February 25, 2015, Appellant filed a Motion for Reconsideration of the Order of February 18, 2015, denying Plaintiff’s Petition for Relief from *Non Pros*. This Court by Order of Court dated March 6, 2015, denied Appellant’s Motion for Reconsideration. The instant timely appeal followed.

At the outset, the Court notes that, a petition to open judgment is an appeal to the equitable powers of the Court and thus “a request to open a judgment of *non pros* is by way of grace and not of right” *O’Hara v. Randall*, 879 A.2d 240, 243 (Pa. Super. 2005) (citation omitted); *Gondek v. Bio-Medical Applications of Pennsylvania, Inc.*, 919 A.2d 283, 286 (Pa. Super. 2007) (citation omitted). When a certificate of merit is not filed in a medical professional liability action within sixty days of the date of the filing of the complaint, and a plaintiff has not requested and been granted an extension of his time to file a certificate of merit within thirty days of the date of the filing of a notice of intention to enter judgment of *non pros* on a professional liability claim, the opposing party can file a praecipe for the entry of judgment of *non pros*. See Pa. R.C.P. 1042.3, 1042.6, 1042.7(a). If the opposing party has complied with the procedural requirements of Pennsylvania Rule of Civil Procedure 1042.7, the prothonotary will enter judgment of *non pros*.

Pursuant to Pennsylvania Rule of Civil Procedure 3051, in order to open a judgment of *non pros*, the party who failed to file the certificate of merit can seek relief through the filing of a petition to open the judgment. Pa. R.C.P. 3051. In order to be successful, a petition to open a judgment of *non pros* must meet the following three-pronged test: “(1) the petition is timely filed, (2) there is a reasonable explanation or legitimate excuse for the inactivity or delay, and (3) there is a meritorious cause of action.” *Sabo v. Worrall*, 959 A.2d 347, 351 n.5 (Pa. Super. 2008); Pa. R.C.P. 3051. Here, Appellant acted promptly in filing her Petition for Relief from Judgment of *Non Pros* on January 20, 2015, only seven (7) days after the entry of the judgment of *non pros*. Appellant has also satisfied the third prong of the test by filing untimely Certifi-

cates of Merit as to each of the Appellees on January 20, 2015. The Certificate of Merit as to Appellee David R. Bryce, D.O. states, “[a]n appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.”¹³ However, no evidence has been presented to this Court about the date on which the written statement was obtained from the licensed professional. The Certificate of Merit requirement is designed to provide assurance that a “suit is not frivolous, but is based on an arguably meritorious assertion.” *Warren v. Folk*, 886 A.2d 305, 309 (Pa. Super. 2005). By filing the Certificates of Merit, Appellant demonstrates that the suit has arguable merit and satisfies the third prong. *Id.* at 309.

This Court held that in this case, similar to the factual situation in *Womer v. Hilliker*, 589 Pa. 256, 908 A.2d 269 (2006), Appellant failed to satisfy the second prong necessary to grant a petition to open a judgment of *non pros*. “Where a party fails to provide a reasonable excuse for the delay in prosecution of the underlying claim, a petition to open is properly denied.” *Madrid v. Alpine Mountain Corporation*, 24 A.3d 380, 384 (Pa. Super. 2011); *Sahutsky v. Mychak, Geckle & Welker, P.C.*, 900 A.2d 866 (Pa. Super. 2006). In *Womer*, the plaintiff failed to file a certificate of merit within sixty days of the filing of the Complaint. *Womer*, *supra* at 261, 908 A.2d at 272. In *Womer*, the plaintiff also failed to file a motion to extend the time for the filing of a certificate of merit as permitted by Pa. R.C.P. 1042.3(d). *Id.* The defendant in *Womer* filed a praecipe for entry of judgment of *non pros* due to the failure of plaintiff to file a certificate of merit, and a judgment of *non pros* was entered. *Id.* Only two days after the judgment was entered the defendant in *Womer* filed a Motion to Open the Judgment of *Non Pros* and Allow the filing of a Certificate of Merit *Nunc Pro Tunc*. *Id.* at 262, 908 A.2d at 272. The plaintiff in *Womer* alleged that “his failure to file the required COM [certificate of merit] was due

¹³ Appellant’s Certificate of Merit.

to his counsel's oversight or mistake; that he was not notified of Hilliker's [defendant's] intent to secure the judgment of *non pros*; that Hilliker would not be prejudiced by the granting of the Motion" *Id.* at 262, 908 A.2d at 273.

Here, Appellant alleged similar reasons to explain her delay in filing certificates of merits as to each of the Appellees. Counsel for Appellant, Bruce MacKnight, Esq., argued that,

So, in this case we got a copy of the letter [Notice of Intent to Enter Judgment of Non Pros] that said, hey, we're going to file it. In all candor, Judge, administratively we believe[sic.] that the certificate was filed when the complaint was filed because we had what we needed to have to file that. So when we got the letter, we were like, okay, well, somebody's confused here, and this hasn't[sic.] been filed anyway; maybe they'll figure it out. And then we never got anything except when the *non pros* came through. So then we looked at it and said, oh, it wasn't. And obviously the buck stops with us. It was administratively an error. But still under the rule, I don't think it was done correctly. It has to be filed and served on us. We have to have that notice that the clock is starting to tick. An unfiled copy of[sic.] saying we're going to do something in the future isn't notice to me that the clock is now ticking.

Notes of Testimony (N.T.), 2/18/15, at 4-5. Counsel for Appellant is arguing that the failure to file the certificates of merit was an administrative error. Counsel for Appellant is also arguing that because counsel only received an untimed-stamped copy of the Notice of Intention to Enter a Judgment of *Non Pros*, counsel was unable to calculate the date by which they needed to respond by filing the certificates of merit and did not receive proper Notice, making the judgment of *non pros* improperly entered.¹⁴ Appellant's Pet. for Relief, ¶12.

¹⁴ Pa. R.C.P. 1042.6 requires a defendant seeking to enter a judgment of *non pros* under Rule 1042.7(a) to "file a written notice of intention to file the praecipe and serve it on the party's attorney of record ... no sooner than the thirty-first day after the filing of the complaint." The plain language of Pa. R.C.P. 1042.6 does not require service of a "time-stamped" copy of the notice of intention to file the praecipe.

In *Womer*, the Pennsylvania Supreme Court found that the plaintiff took no steps to comply with Pa. R.C.P. 1042.3. when his only action was to serve an expert report as part of discovery materials on the defendant, he did not file a certificate of merit within sixty days of the filing of the complaint, and he did not seek an extension of time to file a certificate of merit within thirty days of the notice of intention to seek judgment of *non pros*. *Supra* at 256-59, 908 A.2d at 270-71. The Pennsylvania Supreme Court held that,

[I]n our view, this was no procedural misstep within the meaning of Pa.R.C.P.No. 126.^[15] It was instead, a wholesale failure to take any of the actions that one of our rules requires, of the type that we have heretofore refused to overlook under rule 126

In contending that even though he made no effort to follow Pa.R.C.P. No. 1042.3's requirements, Rule 126 can apply in his circumstances because he fulfilled Rule 1042.3's purpose, *Womer* is essentially arguing that the doctrine of substantial compliance in Rule 126 not only excuses a party who commits a procedural misstep in attempting to do that which a rule instructs, but also excuses a party who does nothing that a rule requires, but whose actions are consistent with the objectives that he believes the rule serves. This is simply not so. The equitable doctrine that we incorporated into Rule 126 is one of *substantial* compliance, not one of *no* compliance. We reiterate what our case law has taught: Rule 126 is available to a party who makes a substantial attempt to conform, and not to a party who disregards the terms of a rule in their entirety and determines for himself the steps he can take to satisfy the procedure that we have adopted to enhance the functioning of the trial courts.

Id. at 271, 908 A.2d at 278. Ultimately, in *Womer*, the Pennsylvania Supreme Court held that the plaintiff had presented no reason-

¹⁵ Pennsylvania Rule of Civil Procedure 126 permits the court to find substantial compliance and overlook any procedural defect that does not prejudice a party's rights. *Sahutsky v. H.H. Knoebel Sons*, 566 Pa. 593, 600-601, 782 A.2d 996, 1001 (2001) (citation omitted).

BALC Board of Directors Positons

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ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

News for Immediate Release

Sept. 15, 2016

EDITORS' NOTE: Audio and video clips of Justice Wecht are available for download on the Judiciary's [media resources webpage](#).

Supreme Court encourages people to apply for appointments to advisory panels

HARRISBURG — As part of its desire for wider participation in the groups which provide it advice and recommendations, the Pennsylvania Supreme Court is undertaking a new initiative making it easier for people to express interest in being appointed to court advisory panels.

“Justice David N. Wecht has led the present initiative with the intention of broadening participation in the Supreme Court’s board and committee structure,” said Chief Justice Thomas G. Saylor. “He will also be supervising the implementation, with the support of the full court.”

Legal training, experience and expertise are necessary for many assignments, but there are appointments for nonattorneys as well.

“The court appreciates the time and effort the board and committee members dedicate to their roles,” said Justice Wecht. “With this outreach we hope to encourage more people to apply for these important positions on the court’s advisory panels.

“Providing easier access to apply for positions on the advisory boards and announcing those positions to a broader audience will ensure that the court will have a more diverse pool of applicants. A broader array of candidates, and consequently panel members, will serve the court and the Commonwealth as they bring new perspectives to the important work the panels do.”

NewsLine 3

The Unified Judicial System website at www.pacourts.us will serve as the central resource for the new initiative. As vacancies arise, they will be featured on the home page, usually beginning the first week of the month. Clicking on the announcement will lead readers to a list of vacancies with links to information about the missions of the respective panels, including terms of service, as well as an application and directions for submission. Applicants will have one month to apply.

The first vacancies will be posted on Oct. 3.

In addition to postings on the website, the judiciary's twitter feed @PaCourts will tweet openings. Bar associations and law schools across the state will be notified as well so they may include information on their websites and in correspondence with members.

Although the number varies, there are usually approximately 20 vacancies each year. Volunteers are not paid for serving, and the time commitment varies depending on the panel.

More than 180 volunteers sit on Supreme Court panels and have a wide range of responsibilities and functions. Some panels make recommendations to the court for amendments, revisions or simplification of court procedural rules. Others regulate the practice of law, oversee continuing legal education for lawyers and administer funds to assist individuals unable to pay for legal service.

Some of the panels include:

- Criminal Procedural Rules Committee
- Committee on Rules of Evidence
- Board of Law Examiners
- Continuing Legal Education Board
- Judicial Conduct Board
- Disciplinary Board of the Supreme Court
- Interest on Lawyers Trust Account Board

#

Media contact: [Amy Kelchner](#), 717-231-3328

NewsLine 4



To all members:

As you have likely seen in the news, a devastating natural disaster recently occurred in Baton Rouge and its surrounding communities. The disaster left many people without homes as well as businesses, schools and roads in ruins. The Members of the Baton Rouge Paralegal Association (BRPA) and their families have been strongly impacted by this disaster and have reached out to the legal community for assistance. As the clean-up and re-building have begun, the BRPA has reached out to the legal community as they are in dire need of supplies, food and materials. The LCPA Steering Committee is always exploring ways to help out in both our community and our fellow paralegal communities.

How You Can Help!

The BRPA is seeking donations in the form of gift cards to provide assistance to their members. A listing of businesses for which gift cards will provide the most assistance is available at:
<http://lehighbar.org/committees-sections/paralegals/>

Should you wish to help out, all gift cards can be sent to:

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4001 Schoolhouse Lane, PO Box 219
Center Valley, PA 18034*

The deadline to provide donations is October 26, 2016. Please either mail your donations as indicated above or bring them to the next LCPA Lunch and Learn on October 26, 2016 at the Bar Association. We will arrange to have all contributions forwarded to BRPA.

If you have any questions or comments, please contact a member of the Steering Committee.

Sincerely,
The Steering Committee

NewsLine 5

The Criminal Law Committee of the Bar Association of
Lehigh County

Cordially invites you to attend,

CRIMINAL LAW DINNER

Thursday, October 13th, 2016

5:00 pm

Hors d'oeuvres & Complimentary Beer, Wine & Soda

6:00 pm

Buffet Dinner & Dessert

\$38.00 per person

We look forward to hosting a Dinner Meeting and a Program regarding Criminal Law matters of interest with Committee Members, Criminal Law Attorneys, BALC Officers & Directors, Prosecutors, Public Defenders, Judges and Magisterial District Judges

Please RSVP by Friday, October 6th, 2016 to
Karen Mesch, Event Coordinator
610-433-6204 ext. 12 or

*kmesch@thebarristersclub.com

*[*It is best to email your reservation](mailto:kmesch@thebarristersclub.com)*

NewsLine 6

64th Annual Joint Dinner Meeting

Bar Association of Lehigh County &
Lehigh County Medical Society

Tuesday, September 20th, 2016

The Barristers Club
1114 West Walnut Street
Allentown, PA 18102

6:30pm Hors d'oeuvres & Cash Bar
7:30pm Dinner & Panel Discussion

Medical Marijuana Passed, Now What?

Panel to include:

Dr. Allison Muller

Board-certified Pharm.D Toxicologist, Medical Writer & Expert Witness
Acri Muller Consulting LLC

Dr. Bruce Nicholson

Chief, Division of Pain Medicine, Anesthesiology & Pain Medicine, Lehigh
Valley Health Network

Attorney Candy Barr Heimbach

Shareholder, Marshall Dennehey Warner Coleman & Goggin

Attorney Christopher Reid

Partner, Seidel Cohen Hof & Reid LLC

James Gillespie

Chief Executive Officer, Professional Casualty Association

Members are invited as our guest; your advance
reservation is requested no later than 9/15/16.

Please RSVP to

Karen- Events Coordinator for the Barristers Club
610.433.6204 x12 or kmesch@thebarristersclub.com
(please request Vegetarian Meal if desired)

The Judge Donald E. Wieand Barristers' Inn

The Bar Association of Lehigh County is proud to announce the opening of the 2016-2017 season of The Judge Donald E. Wieand Barristers' Inn, an organization consisting of Lehigh Valley lawyers and Pennsylvania Judges dedicated to the development of outstanding lawyers who meet the highest ethical standards. We welcome the return of our more than 100 past members and invite those who have never been a part of the Inn to join us this season.

**Wednesday, September 21st 5:30 PM at the
Barristers' Club
Join Uncle Sam in
"It's Not Rigged! A Primer on Election Law"**

**The Honorable Daniel K. McCarthy and
the Honorable Douglas G. Reichley
Team IV, led by Zachary J. Cohen, Esquire,**

The first program, September 21st, is open to all. Enjoy dinner with colleagues at 5:30 PM, learn and be entertained during the program starting at 6:00 PM and be on your way home by 7:00 PM. Explore various state, federal, and local election laws, the history and operation of the electoral college and *claims that the process is rigged*, candidacy eligibility and challenges ranging from heated local contests up through the highest office, redistricting, voting, to the impact of the First Amendment on candidate speech and campaign contributions.

There are many benefits when you join the Barristers' Inn. It is a fantastic way for members of the Bar to connect and socialize with members of the Bench and Bar while earning up to an optional 8 CLE credits from programs taught by the Bench and many of the Lehigh Valley's top lawyers. It is truly a one-of-a-kind organization here in the Lehigh Valley.

For more information, please contact Barristers' Inn President, Michele A. Varricchio. You may contact her by email at michelevarricchio@lehighcounty.org.

There will be a complete list of programs for the year to follow.

LEHIGH COUNTY LAWYER'S CHARITABLE FUND GRANT

The Bar Association of Lehigh County ("BALC") has established a fund with the Lehigh Valley Community Foundation known as the Lehigh County Lawyer's Charitable Fund. The Fund is made possible by the generosity of our members. On an annual basis, BALC awards grants of up to \$5,000.00 each to selected Lehigh Valley 501(c)(3) organizations. Interested Lehigh Valley 501(c)(3) organizations are invited to submit a grant Application to BALC in accordance with the below Application Guidelines.

2016-2017 Theme is "School Programs in Need". The committee will make a concerted effort to review applications from area nonprofits that benefit school programs especially those affected by recent budget cuts. This could be educational, arts, sports or extra curriculum programs. Please keep this in mind when preparing your application.

Application Guidelines

To apply for a Lehigh County Lawyer's Charitable Fund Grant, Applicants must comply with each of the following:

1. Each Applicant must be a 501(c)(3) corporation in good standing, which maintains an active presence in the Lehigh Valley, and provides a product or service which benefits Lehigh Valley communities and/or residents.
2. Complete the attached Application and required narrative.
3. E-mail the completed Application and the narrative as a single file to the BALC Executive Director, Ray Bridgeman at: rbridgeman@lehighbar.org. In the Subject Line reference: Application for Lehigh County Lawyer's Charitable Fund Grant. Questions regarding the grant process should be directed to Mr. Bridgeman at (610) 433-6204, ext. 15.

4. Applications must be received by 5 p.m., October 31st. Applications not received by the deadline will not be considered.

Please note that:

- \$5,000 USD is the maximum award (unless special approval is received by the BALC Board of Directors). Smaller grant requests are encouraged.
- The proposed use of Lehigh County Lawyer's Charitable Funds must provide some clear benefit to the Lehigh Valley as a whole, its communities, and residents in the form of providing needed services, new knowledge, developing or sharing of resources, or good practice in learning, teaching, or assessment, or providing disaster relief.
- Applicants not selected for grants are encouraged to submit an Application the following year.
- Successful Applicants agree to provide to BALC, no later than July 1st of the year in which the grant is awarded, a brief written summary detailing how the Grant was utilized or will be utilized by the end of the calendar year, and authorizing BALC to post the summary on the BALC website.
- Funds from the LCLC Fund Grant may not be used for:
 - Registration for, travel to, or accommodation at conferences;
 - Internal staff training and development (although this maybe a secondary outcome); and
 - Fundraising.

Process for Making Awards

The BALC Community Services Committee will evaluate the Applications and make recommendations to the BALC Board of Directors on grant recipients. Final Approval will be decided by the BALC Board of Directors. All applications will be considered confidential. Grants will be awarded in the first quarter of the year following the Application deadline.

See lehighbar.org for application



“Postmortem Election Discussion, Now What?”

Topic: How will the election results affect business & the economy?

Presented by:

Lehigh Valley Consortium of Professional Organizations

Tuesday November 15, 2016 4:30 PM

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

Panel Discussion from Leaders throughout the Region:

Dr. Kamran Afshar, the region’s preeminent economist,
Kamran Afshar Associates.

Dr. Christopher Borick,

Prof of Political Science/ Dir of Polling Institute, Muhlenberg College

Justin R. Poremba, Chief Executive Officer,
Greater Lehigh Valley REALTORS®

Event Registration 4:00 PM

Panel Discussion 4:30 PM

Networking Mixer 5:30 PM

No Cost, but RSVP by: **11/10/16** to

kmesch@thebarristersclub.com

The Lehigh Valley Consortium of Professional Organizations is an interdisciplinary organizations that aims to serve professionals throughout the Lehigh Valley and help foster networking opportunities. Our membership consists of:

- The Bar Association of Lehigh County,
- The Estate Planning Council of the Lehigh Valley,
- The Lehigh Valley Chapter of the National Association of Insurance and Financial Advisors,
- The Pennsylvania Institute of Certified Public Accountants of the Lehigh Valley,
- The Society of Professional Engineers of the Lehigh Valley,
- Greater Lehigh Valley Realtors,
- The Risk Management Association of the Lehigh Valley and
- Pennsylvania Planning Association-Lehigh Valley Section

CLE UPDATE for the week of: September 23, 2016

BALC LUNCH AND LEARN SEMINAR

"Recent Family Law Topics"

Presented by: Mr. Joseph Egler, CFA

Thursday, September 29 2016

Join frequent guest speaker, Mr. Joe Egler, for a faced paced seminar on three topics geared toward the family law practitioner.

First, Joe will lead the discussion of the 'Double Dip' in alimony. The double dip - referring to the inclusion of business profits in the calculation of alimony. An evolving topic which is still controversial since case law in Pennsylvania is minimal.

Second, Joe will then address personal good will in medical and dental practices. Personal goodwill reflects the impact of a renowned practitioner who draws patients based on personal reputation. The appraisal process assumes that the seller leaves the practice after the sale. There are several methodologies to correct for this impact of the practice that Joe will share with you.

And **last but not least**, Joe will talk about discounts related to minority and marketability of a business interest. Marketability and minority discounts are always important. This part of the discussion will address the factors that an appraiser uses to determine a reasonable discount. Since these discounts can be substantial, it is important that an attorney review the factors that affect these discounts.

Mr. Joseph Egler, is a Senior Financial Analyst at Value Management Inc. He is responsible for financial analysis, economic analysis, industry analysis and valuation of privately held companies. He has prepared appraisals of businesses for stockholder dissolution, estate tax, ESOP's and marital dissolution. Mr. Egler specializes in the valuation of Executive Stock Options.

Mr. Egler is a Chartered Financial Analyst and has a Masters degree in Business Administration from La Salle University with a concentration in Finance. He also received a Bachelor of Arts degree in Biology from Temple University. Mr. Egler has completed Business Valuation Course I – III of the American Society of Appraisers. Member of the CFA and is a member of the Financial Analysts of Philadelphia. Mr. Egler has testified in numerous counties in Pennsylvania including Lehigh, Carbon, Monroe, Wayne and Pike Counties. In addition, he has written several articles on Business Valuation topics.

BALC Lunch & Learn Seminar

Registration & Lunch: 11:45 AM; 1 Substantive Credit

Seminar: 12:15 PM – 1:15 PM

Tuition: Members \$40.00; Non-members \$55.00

To Register Call Nancy @ 610.433.6401 Ext: 16

E-mail: cle@lehighbar.org

CLE Update 2

BALC LUNCH AND LEARN SEMINAR

**“Can I Sell This Ivory Necklace?
and other questions:
An Introduction to Wildlife Law and Policy”**

Presented by: Ms. Marissa Altmann

Tuesday, October 4, 2016

Wildlife law and policy encompasses a variety of state, federal, and international regulations related to animals in the wild and the trade and sale of their parts. With nearly 8,000 species worldwide threatened by extinction, many of these policies are being expanded and certain laws are becoming stricter. Examples include the recent federal limitations on the sale of ivory, and the listing of the Northern Long-eared Bat (found in Pennsylvania) under the Endangered Species Act. As we saw with the killing of Cecil the lion, issues relating to these wildlife laws can be emotional and confusing for those involved.

Learn how we know that a species is threatened, and what that means for state, federal, and international laws. Items covered will be the Endangered Species Act, the Lacey Act, and the Convention on International Trade in Endangered Species (CITES). You will learn how species are added or removed from these lists, what the penalties are for violating these regulations, and get some clear examples of recent violations of these laws. Ms. Altmann will also discuss why wildlife law matters for communities, businesses, and human health.

Marissa attended College of the Atlantic in scenic Bar Harbor, Maine. While earning a B.A. in Human Ecology, Marissa focused her studies in the realms of the environmental and zoological sciences, wildlife management, environmental law and policy, and interdisciplinary methods.

Following college, Marissa worked as a seasonal bat technician with the Biodiversity Research Institute before taking a position as an Urban Parks Conservation Corps Fellow with the New York City Department of Parks and Recreation. Marissa served as an Environmental Education Volunteer in the U.S. Peace Corps in Mexico

In 2015, Marissa worked as a Research Assistant for Johannah Bernstein, International Environmental Lawyer, in Switzerland. She helped Johanna to complete an evaluation of the UNEP Major Groups and Stakeholders program, and assisted on a variety of other initiatives.

BALC Lunch & Learn Seminar

Registration & Lunch: 11:45 AM; 1 Substantive Credit

Seminar: 12:15 PM – 1:15 PM

Tuition: Members \$40.00; Non-members \$55.00

To Register Call Nancy @ 610.433.6401 Ext: 16

E-mail: cle@lehighbar.org

CLE Update 3

BALC LUNCH AND LEARN SEMINAR

"Under All is the Land"

Presented by: Mr. Ray Geiger

Wednesday, October 5, 2016

"Under All is the Land" is the first sentence of the Realtor® Preamble to the Code of Ethics and Standards of Practice of the National Association of Realtors. Ray Geiger will present a discussion of the challenges and solutions to appraising land. Valuing land is the most ubiquitous heart of any appraisal – even for improved properties – where it is often overlooked.

Ray Geiger has been a real estate appraiser since 1978, specializing in the Lehigh Valley, and extending throughout eastern Pennsylvania for selective assignments. Since 1989, his practice has been devoted primarily to non-lending institution appraisal assignments that have covered the gamut of property types and legal issues and needs. He is a former President of the Allentown-Lehigh County Association of Realtors and Chairman of the Lehigh Valley Planning Commission. He continues to serve as a member of the Lehigh County Board of View since 1995.

Join Ray as he shares his trials and tribulations in the art and science of valuing the seemingly "simple" parcel of vacant land. Using local examples, he will discuss the impacts of so few comparative sales; ever changing market conditions; and the diversity among the terms of sale, rights conveyed, and motivations of the buyers and sellers. Discuss too, the relevance of land and site value in an improved property appraisal.

Learn, how understanding the importance of land and site value offers clues to the credibility of any appraisal report, and how those clues may assist you in judging its reliability.

Ray guarantees that you will be both enlightened and amused by his ramblings about his experiences in the "simple" act of appraising land.

BALC Lunch & Learn Seminar

Registration & Lunch: 11:45 AM; 1 Substantive Credit

Seminar: 12:15 PM – 1:15 PM

Tuition: Members \$40.00; Non-members \$55.00

To Register Call Nancy @ 610.433.6401 Ext: 16

E-mail: cle@lehighbar.org

CLE Update 4

PBI Group Cast Seminar
“The 2016 Presidential Election and Its Impact on
Law, Policy and Future Elections”
Thursday, October 6, 2016

Consider What Might Change after the 2016 Presidential Election

- Will gridlock still prevail in Washington?
- Will the Affordable Care Act (Obamacare) be repealed or reformed?
- Will immigration laws be subject to Congressional action?
- Will our economy continue to grow...or will it suffer more setbacks?
- Is gun control likely to move forward?
- Could estate taxes be modified again?
- Are changes to abortion laws, gay rights and other social issues likely?
- Will the makeup and orientation of the Supreme Court be impacted and who will fill the vacant position?
- How will international relations be impacted?
- What will be the plan for dealing with ISIS and other terrorists?

Always an opportunity for the audience to participate, PBI invites you to bring your questions and comments to their expert panel and enjoy a lively debate among people of differing political backgrounds and opinions. Consider what might happen in the future based on the outcome of the 2016 election and how it will impact the laws and policies that are part of your practice.

Registration and Boxed Lunch: 12:00 PM

Seminar: 12:30 PM– 2:30PM

2 Substantive Credits; Tuition: \$159.00

To Register Call PBI @ 1.800.932.4637

To see an up-to-date schedule of CLE courses being held at BALC, log on to: www.lehighbar.org

At the top of the home page point on 'CLE Seminars' and on the drop down menu click on 'CLE Seminar Listing',

Open the file and see what's scheduled.

For more course information, go to our 'Calendar' and click on the date of the course you are interested in for full information.

It's that easy!

CLE Update 5

**PBI Group Cast Seminar
"Nonprofits and the Political Process"
Friday, October 7, 2016**

Compare Lobbying and Advocacy:

- Learn how your nonprofit can engage in lobbying
- Discuss the difference between lobbying and mission related advocacy
- Know if your organization must register as a lobbyist under the lobbying disclosure statutes (federal and PA) and the Philadelphia ordinance

Understand What a Nonprofit Can and Can't do in Relation to
Political Campaigns:

- Can your organization endorse a candidate for elective office?
- Can your organization host a candidates' debate?
- Can individual board or staff members publicly endorse the election of candidates?
- Know what registration and reporting obligations apply to these activities

Know About PACs:

- What is a 527 PAC and a QSLPO?
- How does each need to register and report its activities?

Get the Answers to All of These Questions for:

- 501(c)(3) charities
- 501(c)(4) civic associations and social welfare organizations
- 501(c)(5) unions
- 501(c)(6) trade agreements

Registration and Breakfast: 8:30 AM

Seminar: 9:00 AM – 1:15PM

4 Substantive Credits; Tuition: \$249.00

To Register Call PBI @ 1.800.932.4637

The CLE Department wants to continue to welcome walk-ins to the Lunch & Learn seminars but we may no longer be able to offer lunch to those who wish to attend but have not pre-registered. The department kindly requests, whenever possible to pre-register at least one or two days prior to a seminar. This is necessary in making arrangements for handouts and apprising the caterer.

To Register:

Call: Nancy @ 610.433.6401 Ext: 16

Or E-mail: cle@lehighbar.org

CLE Update 6

BALC LUNCH AND LEARN SEMINAR

"Oliver Wendell Holmes and the Birth of Modern American Law"

Presented by: Malcolm Gross, Esq.

Wednesday, October 12, 2016

This program will take a new look at the life and times of Oliver Wendell Holmes, Jr. and his influence on modern American law. Join Attorney Gross as he weaves a story for us about one of the more interesting Supreme Court Justices of the 20th Century.

Attorney Malcolm J. Gross is a founding partner of Gross McGinley, LLP, headquartered in Allentown, where he has long represented media interests, including representing them in their pursuit of access to government records. Malcolm J. Gross was born in Allentown, PA. He graduated from Muhlenberg College, cum laude in 1962, with a Bachelor's Degree in History and Political Science. He earned his J.D. from Villanova University School of Law in Philadelphia in 1965 and was admitted to the Pennsylvania Bar that year. While at Villanova, he was an editor of the Law Review. Mr. Gross also is admitted to the United States District Court for the Eastern District and Middle Districts of Pennsylvania, the United States Court of Appeals for the Third Circuit and the Supreme Court of the United States.

Attorney Gross has written on a wide range of topics, and his articles have appeared in such national publications as *Social Work, Case & Comment*, and *Communications and the Law*. He also has published work in the *Pennsylvania Bar Quarterly* and the *Pennsylvania Law Journal Reporter*. Some of his articles cover press law including defamation, subpoenas, and freedom of information issues. He also writes about general-interest issues such as custody and domestic relations.

In 2004, 2006, and 2012, Attorney Gross was named a Pennsylvania Super Lawyer, reserved for the top 5 percent of Pennsylvania attorneys, and holds an AV Rating by Martindale-Hubbell Legal Directory.

BALC Lunch & Learn Seminar

Registration & Lunch: 11:45 AM; 1 Substantive Credit

Seminar: 12:15 PM – 1:15 PM

Tuition: Members \$40.00; Non-members \$55.00

To Register Call Nancy @ 610.433.6401 Ext: 16

E-mail: cle@lehighbar.org

CLE Update 7

PBI Group Cast Seminar
"Understanding Social Security Retirement"
Thursday, October 13, 2016

LEARN WHEN TO APPLY

Choosing when to retire is one of the most important decisions your clients will make in their lifetime. Determining how much money they can get through Social Security may be a huge factor in that decision. So how and when should they claim their benefits?

This course focuses on the practical realities of Social Security benefits for seniors who largely depend upon these benefits for their income during retirement. (This course is not designed for those for whom Social Security benefits are a small part of a retirement portfolio.)

GET TIPS ON:

- 🕒 Eligibility for retirement benefits
- 🕒 Deadlines
- 🕒 Amount and duration of benefits
- 🕒 Exceptions
- 🕒 Overpayments and waivers
- 🕒 Special situations that create changes

PINPOINT STRATEGIES FOR SECURING THE BEST POSSIBLE FUTURE

- 🕒 Early, full and post-retirement benefits
- 🕒 Benefits for survivors, ex-spouses, children and other dependents
- 🕒 Effect of post-retirement earnings on benefits
- 🕒 Coordinating with Medicare and other benefits
- 🕒 Gauging the impact of the Affordable Care Act

LISTEN AND LEARN FROM PBI'S OUTSTANDING INSTRUCTOR

John Whitelaw has over 25 years of experience in representing clients before the Social Security Administration. He has represented hundreds of individuals in administrative hearings, federal district court and the court of Appeals.

Registration and Boxed Lunch: 11:30 AM
Seminar: 12:00 PM– 3:15PM
3 Substantive Credits; Tuition: \$249.00
To Register Call PBI @ 1.800.932.4637

CLE Update 8

PBI Group Cast Seminar
"Consumer Financial Services Law Update 2016"
Tuesday, October 18, 2016

HEAR ABOUT WHAT'S "HOT" AT THE CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

The Consumer Financial Protection Bureau has been quite busy over the last few years, bringing scores of enforcement actions, conducting hundreds of examinations and proposing/promulgating over a dozen rules. This course will highlight the CFPB's recent enforcement actions, current enforcement priorities, examination findings and recent regulatory activity.

LEARN ABOUT PENNSYLVANIA-SPECIFIC CONSUMER FINANCIAL SERVICES AND BANKING DEVELOPMENTS

Shortly after taking office, Gov. Wolf announced a consumer financial protection initiative. The panel will discuss this, as well as recent developments at the Pennsylvania Department of Banking and Insurance.

GET THE LATEST SCOOP ON THE MOST PRESSING LEGAL DEVELOPMENTS

- ✿ The surge in Telephone Consumer Protection Act litigation and the FCC's declaratory ruling
- ✿ Data security
- ✿ Prepaid card rules
- ✿ Fair lending
- ✿ Fair Credit Reporting Act developments
- ✿ Developments affecting mortgages, credit cards and auto and student loans
- ✿ Arbitration
- ✿ Significant judicial developments'
- ✿ Unfair, deceptive and abusive acts and practices update

Registration and Breakfast: 8:00 AM

Seminar: 8:30 AM – 3:45 PM

Boxed lunch included with tuition

5 Substantive & 1 Ethics Credits (Integrated)

Tuition: \$329.00

To Register Call PBI @ 1.800.932.4637

Extra Ethics Credits can be used to meet an attorney's substantive law CLE requirements

CLE Update 9

BALC LUNCH AND LEARN SEMINAR

"So, You Think You Want to Be a Judge?"

Presented by: Hon. Edward Reibman

Wednesday, October 19, 2016

The 2017 election will fill one seat, and possibly more, on the Court of Common Pleas. Please join President Judge Edward D. Reibman on October 19th for a candid discussion about the process of deciding whether to run, conducting the campaign and the realities of the job. The hour will include a review of applicable constitutional, statutory and ethical requirements as well as an opportunity to ask your questions and see who else may be interested.

The Honorable Edward D. Reibman graduated from Lafayette College in 1969 and the Duke University School of Law in 1972. He served in the U.S. Army Reserves from 1969 to 1975. Judge Reibman was Law Clerk to the Honorable Bryan Simpson, U.S. Court of Appeals, 11th Circuit (formerly 5th Circuit) from 1972 to 1973, and a trial attorney in the Civil Rights Division of the United States Department of Justice from 1973 to 1975.

As a sole practitioner, he served as cooperating counsel with the NAACP Legal Defense and Educational Fund, Inc., and special counsel to the Allentown and Hazleton, Pennsylvania, city councils.

Judge Reibman serves on, and is former chair of, the Ethics Committee of the Pennsylvania Conference of State Trial Judges. He was co-chair of the Pennsylvania Conference of State Trial Judges' Commonwealth Partners Committee and a member of its Meet Your Judges Committee. He was chair of the Administrative Office of Pennsylvania Courts' Mortgage Foreclosure Mediation/Conciliation Committee and a member of the Supreme Court's Ad Hoc Committee to Rewrite the Code of Judicial Conduct.

He was elected Judge of the Court of Common Pleas for Lehigh County in November 1991; retained in 2001 and 2011; and elected President Judge in 2015.

He is a member of the Bar Associations of Pennsylvania and Florida, and of the counties of Lehigh and Northampton, Pennsylvania.

BALC Lunch & Learn Seminar

Registration & Lunch: 11:45 AM; 1 Ethics Credit

Seminar: 12:15 PM – 1:15 PM

Tuition: Members \$40.00; Non-members \$55.00

To Register Call Nancy @ 610.433.6401 Ext: 16

E-mail: cle@lehighbar.org

CLE Update 10

PBI Group Cast Seminar
“LLC, S Corp, GP, LP, LLP or Other Form?
A Guide to Choosing the Best Business Entity”
Thursday, October 20, 2016

HOW SHOULD I ORGANIZE MY BUSINESS?

This will be the first question your client asks before hanging the “open” sign on the door. The entity type your client chooses will have a profound impact on many things, including:

- Eligible owners
- Rights and duties of owners and managers
- Raising capital and obtaining financing
- Exit strategies
- Liability
- Taxation

A clear understanding of how each of these is affected by your choice of entity is imperative.

HONE IN ON THE KEY ISSUES THAT DRIVE THE OPTIMAL FORM OF ORGANIZATION

Save yourself hours researching business models. Take advantage of a comparative analysis of the key characteristics, advantages, and differences of the most common business entity types. PBI provides you with an excellent guide for advising start-ups or businesses looking to re-structure.

BECAUSE THERE IS NO “ONE SIZE FITS ALL”...

How you advise your client will have a significant impact on the company’s finances and level of liability. PBI’s version of Choice of Entity 101 takes you from fundamental structure to tax advantages to asset protection for each of the organizational models.

Registration and Breakfast: 8:30 AM

Seminar: 9:00 AM – 12:15PM

3 Substantive Credits; Tuition: \$229.00

To Register Call PBI @ 1.800.932.4637

To Register for any BALC Lunch Seminar

Call: Nancy @ 610.433.6401 Ext: 16;

E-mail to : cle@lehighbar.org or

Fax the Registration form to: 610.770.9826

To Register for any PBI Seminar being held at BALC

Call PBI @ 1.800.932.4637

CLE Update 11

**PBI Group Cast Seminar
"20th Annual Family Law Update"
Tuesday, October 25, 2016**

THE MOST SUCCESSFUL LAWYERS IN FAMILY LAW PRACTICE
ARE THOSE WHO ARE BEST PREPARED:

This program includes the latest trends, the newest case law, legislation, and procedural rules. Knowing the most recent developments can make all the difference in litigation strategy and settlement negotiations, giving you an edge over your opponents.

GATHER FRESH PERSPECTIVES AND INSIGHTFUL ANALYSIS IN
THREE SHORT HOURS:

The Family Law Update provides fresh perspectives and insightful analysis that enables nearly everyone to take home something they can use to make an immediate impact on their practices.

GARNER IMPORTANT JUDICIAL PERSPECTIVE
ON FAMILY LAW

Each of PBI's panels includes a sitting judge who offers important insight as to what courts in their area have noted within the twelve months

Registration and Breakfast: 8:15 AM

Seminar: 8:45 AM – 12:00PM

3 Substantive Credits; Tuition: \$249.00

To Register Call PBI @ 1.800.932.4637

**PBI Group Cast Seminar
"23rd Annual Auto Law Update"
Thursday, October 27, 2016**

Discover the twists and hairpin turns that have evolved over the past year. The most recent cases will be presented on this high impact topic. Get a comprehensive summary of updates and changes that you need to know. Hear updates from experienced panelists. Receive a UM/UIM Digest in addition to the course manual.

Registration and Boxed Lunch: 11:45 AM

Seminar: 12:15 PM– 4:30PM

3 Substantive & 1 Ethics Credits (Integrated)

Tuition: \$249.00

To Register Call PBI @ 1.800.932.4637

CLE Update 12
BALC CLE REGISTRATION FORM

Name: _____

PA Sup.CT.ID _____

Member of the Bar Association of: [] **Lehigh** [] **Northampton**
[] **Other** _____ [] **Legal Support Staff**

Register by: **Phone** 610.433.6401, Ext. 16; **FAX** 610.770.9826;

E-Mail cle@lehighbar.org or **Mail** your registration to:

BALC, 1114 Walnut Street, Allentown PA 18102.

[] **September 29: "Recent Family Law Topics: Discussion of The 'Double Dip' in Alimony; Personal Goodwill in Medical and Dental Practices; Discounts Related to Minority and Marketability of a Business Interest"**

Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

[] **October 4: "Can I Sell This Ivory Necklace? and other questions: An Introduction to Wildlife Law and Policy"**

Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

[] **October 5: "Under All is the Land"**

Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

[] **October 12: "Oliver Wendell Holmes and the Birth of Modern American Law"**

Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

[] **October 19: "So You Think You Want to be a Judge?"**

Lunch: 11:45 AM; Seminar: 12:15 PM – 1:15 PM

TOTAL **AMOUNT ENCLOSED** \$ _____

Please make checks payable to & mail to: **BALC**, 1114 W Walnut St, Allentown PA 18102.



Sponsorship Opportunity

“Postmortem Election Discussion, Now What?”

Topic: How will the election results affect business & the economy?

Presented by: LVCPO

Tuesday November 15, 2016 4:30 PM

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

Event Sponsor

Opportunity to Address the Crowd-2 to 3 minutes

Opportunity to hang your company’s banner at event

Recognition as Event Sponsor on all official marketing: Lehigh Law Journal, various email and social media

marketing through Bar Association of Lehigh County, NAIFA and LVCPO Website

Logo Displayed on Event Program

Investment \$1,000-1 Available

Hors d' oeuvres Sponsor

Signage displayed on hors d’ oeuvres table

Opportunity to hang your company’s banner at event

Logo Displayed on Event Program

Investment \$500 -1 Available

Banner Sponsor

Opportunity to hang your company’s banner at event

Recognition on Event Program

Investment \$250

For more information about sponsorships, contact:

Ray Bridgeman rbridgeman@lehighbar.org 610-433-6204 X15

Make checks payable to:

LVCPO

1114 W Walnut St

Allentown, PA 18102

YOUNG LAWYERS DIVISION

Happy Hours

Thursday, October 6, 2016 at 5:30 pm

Keystone Pub and Grill

1410 Grape Street

Whitehall, PA 18052

Keystonepub.com

Thursday, November 3, 2016 at 5:30 pm

P.J. Whelihan's Pub and Restaurant

4595 Broadway

Allentown, PA 18104

www.pjspub.com

*YLD events are a great opportunity to meet
and network with other young attorneys.*

Guests are welcome!

The Lawyers Lunch Table

A treasured tradition is returning for all Lawyers and Judges. There is a standing reservation for Lunch at **Bell Hall**, 612 W. Hamilton St, on the 1st Thursday of the month, 12PM. Please come out enjoy some camaraderie with other colleagues.



Please RSVP to:
Robert Donatelli
610-391-1800
redonatelli@nmmlaw.com



“Civilian Response to Active Shooter Events”

Presented by:

Lehigh Valley Consortium of Professional Organizations

Monday, October 17, 2016 4:00 PM

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

Topic: This month’s program will be “CRASE” (**Civilian Response to Active Shooter Events**), developed by the Center for Advanced Law Enforcement Rapid Response Training (“ALERRT”) at Texas State University. Since 2004, ALERRT has trained over 85,000 law enforcement professionals nationwide in rapid response to terrorist acts, mass shootings, and other dangerous, active threat situations. For individuals who find themselves involved in such incidents, we’ve learned from sad experience that hiding and hoping isn’t a very effective strategy. The CRASE program was developed to give civilians a simple plan of action – Avoid, Deny, Defend -- designed to maximize their chances of surviving an active shooter event. The program will be taught by Emanuel Kapelsohn, Esq. (“Manny”), who is an attorney with Lesavoy Butz & Seitz LLC, and is a nationally-prominent law enforcement trainer and use of force consultant.

Event Sponsor:



Registration 3:30 PM

Presentation 4:00 PM

Networking Mixer 5:30 PM

No cost but RSVP appreciated

Please RSVP by: **10/12/16** to kmesch@thebarristersclub.com

The Lehigh Valley Consortium of Professional Organizations is an interdisciplinary organizations that aims to serve professionals throughout the Lehigh Valley and help foster networking opportunities. Our membership consists of:

- The Bar Association of Lehigh County,
- The Estate Planning Council of the Lehigh Valley,
- The Lehigh Valley Chapter of the National Association of Insurance and Financial Advisors,
- The Pennsylvania Institute of Certified Public Accountants of the Lehigh Valley,
- The Society of Professional Engineers of the Lehigh Valley,
- Greater Lehigh Valley Realtors,
- The Risk Management Association of the Lehigh Valley and
- Pennsylvania Planning Association-Lehigh Valley Section



Sponsorship Opportunity

“Civilian Response to Active Shooter Events”

Presented by: LVCPO

Monday, October 17, 2016 4:00 PM

@ The Barristers Club, 1114 W Walnut St. Allentown, PA. 18102

The program will be taught by Emanuel Kapelsohn, Esq. (“Manny”), who is an attorney with Lesavoy Butz & Seitz LLC, and is a nationally-prominent law enforcement trainer and use of force consultant.

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Make checks payable to:

LVCPO

1114 W Walnut St

Allentown, PA 18102

SAVE THE DATE: Thursday, November 17th, 2016

Members and Guests are cordially invited to attend
the Bar Association of Lehigh County

Fall Membership Dinner Meeting

on Thursday, November 17, 2016. We hope you
will join us for a great evening of entertainment
and saluting our veterans.

As a way of saying thank you to all BALC
Members that have served in the United States
Military, this event will be free of charge to those
specific members. All BALC Veterans that attend
the event will be recognized. Military Uniforms
are encouraged but not required.

The Fall Membership Meeting will begin at 5:00
PM and is open to all current members. Cocktails
and Hors d'oeuvres will follow at 5:30 PM with
dinner starting promptly at 6:15 PM in the Main
Ballroom. The program featuring Adam Keys and
his Mother, Julie Keys, will follow at 7:00 PM.

***Looking for ways to get involved at the Bar Association?
Have you joined any of the following Committees?***

Email Erin at ehudson@lehighbar.org for more information or to sign up.

Barrister's Inn	Legislative Liaison
Bench Bar Conference	Medical Society Liaison
Bench/Bar Liaison	Membership Services
Finance	The Lehigh County Paralegal Association
Building & Grounds	Past Presidents
Community Service	Real Estate Practice
Continuing Legal Education	Social Security Disability
Criminal Law	Solo Practice
Estates and Trusts	Unauthorized Practice
Family Law	Women of the Bar Association
Federal Practice	Workers Compensation
Fee Dispute	Young Lawyers Division (YLD)
Law Day	
Legal Referral Service	

2016 Calendar

September

September 29: Finance Committee Meeting 12pm

October

October 6: YLD Happy Hour at Keystone Pub

October 10: Bar Association Holiday- Office Closed

October 13: Criminal Law Dinner

October 17: LVCPO Presents Civilian Response to Active Shooter

October 20: Board Meeting 4:30pm

November

November 3: YLD Happy Hour at P.J. Whelihan's Pub

November 11: Bar Association Holiday- Office Closed

November 15: LVCPO presents Postmortem Election Discussion

November 17: Fall Membership Dinner 5:30pm

November 24: Bar Association Holiday- Office Closed

November 25: Bar Association Holiday- Office Closed

December

December 1: Finance Committee Meeting 12pm

December 6: Solo Practice Committee Meeting 12pm

December 15: Board Meeting 4:30pm

December 15: Holiday Happy Hour 5:30pm

December 26: Bar Association Holiday- Office Closed

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able explanation for the delay in proceeding with the claim, which would permit the opening of the judgment of *non pros*.¹⁶

Here, as in *Womer*, Appellant took no steps to comply with Pa. R.C.P. 1042.3. Appellant was on notice from the date of the filing of the complaint on October 31, 2014, that to comply with Pa. R.C.P. 1042.3, the certificates of merit needed to be filed by December 30, 2014. Appellant then received an additional reminder about the certificates of merit when she received the December 4, 2015, letter from counsel for the Appellees with attached letter to the Clerk of Courts dated December 4, 2014, asking the Clerk to file the enclosed Notice of Intention to Enter Judgment of *Non Pros*. The Notice of Intention to Enter Judgment of *Non Pros* was attached to the December 4, 2014, letter and was in substantially the form prescribed in Pa. R.C.P. 1042.6(d) and warned Appellant that if a certificate of merit is not filed within thirty (30) days of the date of the filing of this notice, Appellees would enter a judgment of *Non Pros* against the Appellant.¹⁷ It requires no leap of logic for Appellant to conclude based upon the dated letter to the Clerk of Courts and the enclosed Notice of Intention to Enter Judgment of *Non Pros*, that the Notice would be filed upon receipt by the Clerk of Courts. Appellant took no steps at any time to seek an extension of time to file the Certificates of Merit after receiving the December 4, 2014, letter and notice.¹⁸ Appellant alleges that administratively, counsel for Appellant believed that the certificate was filed at the same time that the com-

¹⁶ The Pennsylvania Supreme Court concluded, “we have no hesitation in concluding that the trial court acted well within its discretion in finding that *Womer* did not provide a reasonable excuse under Pa.R.C.P. 3051 for not filing a COM. Indeed, in light of the foregoing, we conclude that it would be manifestly unreasonable and therefore, an abuse of discretion, ... for the trial court to conclude that a plaintiff in *Womer*’s circumstances, making the same arguments, presents a reasonable explanation or legitimate excuse for his failure to file a COM.” *Womer v. Hilliker*, 589 Pa. 256, 273-74, 908 A.2d 269, 280 (2006) (citations omitted).

¹⁷ Appellant’s Pet. for Relief from Judgment of *Non Pros*, Ex. B.

¹⁸ As the Honorable R. STANTON WETTICK highlighted in *Helfrick v. UPMC Shady-side Hospital*, because the mere filing of a motion to extend the time to file a certificate of merit tolls the time period within which a certificate of merit must be filed until the court rules on the motion, “an explanation for the inactivity requires an explanation as to why the plaintiff did not within the 60-day period file a motion to extend the time for filing the certificate of merit.” 65 D. & C.4th 420, 423 (C.P. Allegheny 2003).

plaint was filed. See N.T., 2/18/15, at 4-5. After receiving the December 4, 2014, letter and notice, Appellant did not check the docket to ensure that the certificates of merit had been filed or contact opposing counsel to inquire as to why he thought the certificates of merit had not been filed, but instead, determined, “somebody’s confused here ... maybe they’ll figure it out.” *Id.* Appellant did not check the docket on or before December 30, 2014, to ensure that the mistake was not her own. Instead, it was not until the entry of the judgment of *Non Pros*, that Appellant concluded, “oh, it wasn’t [filed].” *Id.*

Appellant filed her Petition to Open the Judgment of *Non Pros* seven days after the entry of the judgment and filed the untimely Certificates of Merit. Appellant argued that they did not need leave of court to file the certificates of merit past the sixty days, stating, “I don’t believe—they have to give us—they have to give us notice that they’re going to do it, and then we can still do it in that time frame, as like a ten-day notice. And then we can still do it in that time frame. So I would argue, Judge, that once the *non pros* came through and we filed it, then we were still timely because that was the first notice of something being filed that we received. So I believe that time frame would extend. It’d be like a relation back.” N.T., 2/18/15, at 5-6. Appellant’s position would eviscerate Pa. R.C.P. 1042.3. Appellant had an obligation to file the certificates of merit within the allotted time period provided by the rule, which liberally allows sixty-day consecutive extensions of the deadline upon good cause shown to the Court or within thirty days after the filing of the Notice of Intention to Enter Judgment of *Non Pros*. Pa. R.C.P. 1042.3. Appellees would not have had any recourse as to the untimely filed certificates of merit had they been filed after December 30, 2014, but before January 8, 2015, however, Appellants did not consult the docket to determine if the certificates of merit had been filed until after judgment was entered on January 13, 2015. See *White v. Behlke*, 69 D. & C.4th 353, 366 (C.P. Lacka. 2004); Pa. R.C.P. 1042.6.

In *Sabo v. Worrall*, the Pennsylvania Superior Court found excusable a clerical oversight where appellant had prepared and reviewed the appropriate certificates of merit prior to the date a judgment of *non pros* could be entered for failure to file a certifi-

cate of merit and gave them to his paralegal to file, but the certificates of merit were not filed by his paralegal. Sabo, *supra* at 348-49. In Sabo, the plaintiff submitted with the Petition to Open the Judgment of *Non Pros*, an averment that, "(Dr. Gary J. Sprouse) had completed a report dated February 27, 2006, which stated that the care provided by Appellees fell below the standard of medical care owed to Ms. Altieri and caused her harm." *Id.* at 348. The Pennsylvania Superior Court distinguished Sabo from *Womer v. Hilliker*, *supra*, in finding that "Appellant's failure to file a COM was not a procedural mistake, but neither was it a wholesale failure to take *any* action required by our Rules of Civil Procedure concerning a COM, unlike in *Womer*, Appellant here did prepare a COM, and the failure to file was an inadvertent mistake or oversight by counsel's paralegal." Sabo, *supra* at 351-52. In contrast, here, the Court was not presented with any evidence or averments in the pleadings that an expert report had been obtained prior to January 20, 2015, save a bald assertion in the Memorandum of Law in Support of Plaintiff's Petition for Relief from Judgment of *Non Pros* that "Plaintiff had obtained a certificate from a qualified expert in support of the merit of this case well in advance of the filing of defendant's Praecipe to Enter Judgment of *Non Pros*." Appellant's Mem., p. 3. This Court may not consider factual averments included in a brief, but not contained in the pleadings. See *Erie Indemnity Company v. Coal Operators Casualty Company*, 441 Pa. 261, 265, 272 A.2d 465, 466-67 (1971); *Scopel v. Donegal Mutual Insurance Company*, 698 A.2d 602, 606 (Pa. Super. 1997). Furthermore, in Sabo, the Superior Court held that, "the already prepared COM would have been submitted timely but for the paralegal's failure to file the COM with the prothonotary, which Appellant's counsel believed had been accomplished until he received notice of the entry of judgment of *non pros*." Sabo, *supra* at 352. Here, Appellant realized that someone was mistaken about the filing/not filing of the certificates of merit after receiving the letter dated December 4, 2014, but neglected to look at the docket to ensure that the certificates of merit had been filed until after receiving the entry of judgment of *non pros* on January 13, 2015. N.T., 2/18/15, p. 5. This is no mere inadvertent mistake or oversight by Appellant's counsel, but rather reflects an indifferent attitude towards the consequences of failing to follow the Penn-

sylvania Rules of Civil Procedure that is not a reasonable explanation or legitimate excuse for the delay in filing the necessary certificates of merit in this case.

Appellant's first contention that this Court erred in refusing to grant Ms. Gelok's petition for relief from the judgment of *non pros* entered against her since the Defendants failed to serve her with a time-stamped copy of their notice of intent to enter judgment of *non pros*, and did not otherwise apprise her of the date that the document was filed, until she was served with their praecipe for judgment of *non pros* is meritless based on the foregoing analysis.

Appellant's second contention is that this Court "erred in refusing to grant Ms. Gelok's petition for relief from the judgment of *non pros* entered against her since the Defendants never averred or even suggested, that they were in any way prejudiced by the confusion surrounding the certificate of merit."¹⁹ In *LaCaffinie v. Mirk, Inc.*, 719 A.2d 361 (Pa. Super. 1998), the Pennsylvania Superior Court stated:

In April 1998, our Supreme Court reversed Penn Piping in *Jacobs v. Halloran, ...*, *Shope v. Eagle, ...* and *Marino v. Hackman ...*. In these cases the Court abandoned the presumption of prejudice enunciated in Penn Piping and held a defendant must establish actual prejudice from the delay before non pros is appropriate. Appellants suggest the reversal of Penn Piping in *Jacobs*, *Shope* and *Marino* prohibited the trial court from entering the judgment of non pros without first determining the appellee actually suffered prejudice.

While appellants accurately state the change in the law, their petition still needed to meet the three required elements set forth in Pa.R.C.P. 3051. ... The abandonment of the presumptive prejudice of Penn Piping does not equate to the abandonment of Rule 3051.

Appellants have failed to meet the obligations necessary to grant them relief from the non pros. The decisions in Ja-

¹⁹ Appellant's Concise Statement, ¶2.

cobs, Shope, and Marino specifically recognize the long-standing requirements for removal of a judgment of non pros, and do not relieve a party seeking to remove a non pros of the need to comply with the Rule.

Id. at 362-63. In his dissenting opinion in Madrid v. Alpine Mountain Corporation, the Honorable EUGENE B. STRASSBURGER summarized, “[h]ence, the state of the law is this: although a reasonable excuse for delay is not required to thwart the entry of a *non pros* judgment, it is required to open one; despite actual prejudice being the *sine qua non* of a proper entry of a judgment of *non pros*, the question of prejudice is completely ignored when considering relief from one.” *Supra* at 386. The Pennsylvania Supreme Court amended Pa. R.C.P. 3051 in May of 2013, to alter the ruling in Madrid by adding 3051(c) which requires the defendant to show that the delay has caused actual prejudice to the defendant where the judgment of *non pros* was entered for inactivity.²⁰ However, a judgment of *non pros* entered for failure to file a certificate of merit is not considered a judgment of *non pros* entered for inactivity. See Pa. R.C.P. 3051(c), *note* (“[t]he ‘inactivity’ covered by this subdivision is governed by and subject to Jacobs v. Halloran, 551 Pa. 350, 710 A.2d 1098 (1998).”). While the Court may consider prejudice under Pa. R.C.P. 126, as the Pennsylvania Supreme Court stated in Womer, “Rule 126 is available to a party who makes a substantial attempt to conform, and not to a party who disregards the terms of a rule in their entirety and determines for himself the steps he can take to satisfy the procedure that we have adopted to enhance the functioning of the trial courts.” *Supra* at 271, 908 A.2d at 278. As Appellant did not make a substantial attempt to conform to Pa. R.C.P. 1042.3, Pa. R.C.P. 126 (and whether Appellees suffered prejudice) should not be considered as a factor in analyzing whether or not to deny Appellant’s Petition for Relief from Judgment of *non pros*. The Court notes that, “where a party fails to provide a reasonable excuse for the delay in the prosecution of the underlying claim, a petition to open is properly denied.” *Sahutsky v. Mychak, Geckle & Welker, P.C.*, *supra* is a harsh result for Appellant, but Appellant’s second contention of error is meritless.

²⁰ Pa. R.C.P. 3051(c), explanatory comment—2013.

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Carr, Eva K., dec'd.

Late of Allentown.
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Kathleen L. Hersh and John F. E. Carr, Jr. c/o Peter P. Perry, Esquire, 1600 Lehigh Parkway East, 1E, Allentown, PA 18103-3097.
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Late of the City of Bethlehem.
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Attorney: Michael A. Santanasto, Esquire, 210 E. Broad Street, Bethlehem, PA 18018.

Doddy, Rose Theresa a/k/a Rose Agnes Doddy a/k/a Rose T. Doddy, dec'd.

Late of Whitehall Borough.

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Attorney: Michael P. Gough, Esquire, P.O. Box 21222, Lehigh Valley, PA 18002.

Gavalla, Helen M., dec'd.

Late of Whitehall.
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Halfacre, Irene L., dec'd.

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Hutzayluk, Eugene, dec'd.

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Venninger, Patricia Mae a/k/a Patricia M. Venninger, dec'd.

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SECOND PUBLICATION

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Jucknik, Bernard J., dec'd.

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Koch, Alfred F., dec'd.

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Parsons, Charles H., dec'd.

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Rauch, Kathryn R. a/k/a Kathryn Rauch, dec'd.

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Sicher, Ronald F., dec'd.

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Stevens, Edward Francis a/k/a Edward F. Stevens, dec'd.

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Vlahovic, Dimitrije, dec'd.

Late of the City of Allentown.

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Wiesner, Kenneth J., dec'd.

Late of New Tripoli.

Executrix: Katharine Diehl, 7024 Ulrich Mill Rd., New Tripoli, PA 18066.

THIRD PUBLICATION

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Late of Allentown.

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Burian, Jack K., dec'd.

Late of Allentown.

Executrix: Carol A. Hagenbuch c/o Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018.

Attorney: Nicholas E. Englesson, Esquire, 740 Main Street, Bethlehem, PA 18018.

Crane, Antoinette L., dec'd.

Late of Upper Macungie Township.

Trustee: Daniel E. Crane c/o James R. Wishchuk, JD, Esquire, 2310 Walbert Avenue,

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Attorney: James R. Wishchuk, JD, Esquire, 2310 Walbert Avenue, Suite 103, Allentown, PA 18104-1360.

Daley, Kathleen A. a/k/a Kathleen Ann Daley, dec'd.

Late of the Township of Lower Macungie.

Executor: James J. Daley c/o Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104. Attorney: Jamie Michael McFadden, Esq., 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104.

Feichtel, Julia A., dec'd.

Late of Lehigh County.

Julia A. Feichtel, Settlor.

Revocable Trust of Julia A. Feichtel, Settlor, dated 9/29/1988, as amended.

Co-Trustees: Wells Fargo Bank, N.A., Denise M. Von Funk and Joseph M. Feichtel c/o Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219.

Attorneys: Fitzpatrick Lentz & Bubba, P.C., 4001 Schoolhouse Lane, P.O. Box 219, Center Valley, PA 18034-0219.

Groller, Anthony, dec'd.

Late of Emmaus Borough.

Executrix: Tracie A. Golembeski c/o Craig B. Neely, Esq., 209 Main Street, Emmaus, PA 18049.

Attorney: Craig B. Neely, Esq., 209 Main Street, Emmaus, PA 18049, (610) 928-1188.

Katzman, Joel T., dec'd.

Late of South Whitehall Township.

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Kowolewski, Stanley J. a/k/a Stanley Kowolewski, dec'd.

Late of Allentown.
Executor: Quinn Kowolewski, 539 W. Washington St., Allentown, PA 18102.

Kroninger, John L., dec'd.

Late of Orefield.
Executrix: Kathleen E. Ruch c/o Charles A. Waters, Esquire, Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.
Attorneys: Charles A. Waters, Esquire, Steckel and Stopp, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Matz, Nicholas A., dec'd.

Late of Whitehall.
Executor: Jeffrey C. Kenvin c/o Anthony G. O'Malley, Jr., Esq., Law Office of Anthony G. O'Malley, Jr., 233 Pershing Blvd., Whitehall, PA 18052.
Attorneys: Anthony G. O'Malley, Jr., Esq., Law Office of Anthony G. O'Malley, Jr., 233 Pershing Blvd., Whitehall, PA 18052.

Selkregg, Harley G. a/k/a Harley G. Selkregg, Jr., dec'd.

Late of Salisbury Township.
Co-Personal Representatives: David B. Selkregg and Margaret A. Cichonski c/o Peter P. Perry, Esquire, 1600 Lehigh Parkway East, 1E, Allentown, PA 18103-3097.
Attorney: Peter P. Perry, Esquire, 1600 Lehigh Parkway East, 1E, Allentown, PA 18103-3097.

Stahl, Albert H. a/k/a Albert Stahl, dec'd.

Late of 2980 Aronimink Place, Macungie.
Personal Representative: James P. Stahl c/o James A. Ritter, Esquire, Gross McGinley, LLP, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916.
Attorneys: James A. Ritter, Esquire, Gross McGinley, LLP, 111 E. Harrison St., Suite 2, Emmaus, PA 18049-2916.

Stolfi, Susan A., dec'd.

Late of Allentown.
Executor: Joseph L. Stolfi, 2488 S. Church St., Allentown, PA 18103.
Attorney: Matthew Bravette, Esquire, 1500 Walnut St., 18th Floor, Philadelphia, PA 19102.

NOTICES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of Pennsylvania, Act of December 21, 1988 (P.L. 1444, No. 177), as amended.

The name of the corporation is:
ELLIOTT ELECTRIC AND TECHNOLOGIES

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The name of the corporation is:
MY MAHAL, INC.

JAMES L. BROUGHAL, ESQ. BROUGHAL & DeVITO, L.L.P.
38 West Market Street
Bethlehem, PA 18018

S-23

CORPORATE FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of

1982, as amended, of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of

Name: **CATTY BREAKFAST** with its principal place of business at: 409 Front Street, Catasauqua, PA 18032.

The name and address of the entity owning or interested in said business are: My Mahal, Inc., 409 Front Street, Catasauqua, PA 18032.

JAMES L. BROUGHAL, ESQ.
BROUGHAL & DeVITO, L.L.P.

38 West Market Street
Bethlehem, PA 18018

S-23

NOTICE

In the United States District Court
for the Eastern District of
Pennsylvania
Civil Action

NO. 15-CV-6225

WM Capital Partners XXXIV, LLC,
Plaintiff

v.

Leslie C. Bartholomew a/k/a
Leslie C. Bartholomew, Jr.,
John T. Ruble and
Richard C. Benner,
Defendants

JURY TRIAL DEMANDED

NATURE OF THE ACTION:
MOTION FOR DEFAULT
JUDGMENT

TO: JOHN RUBLE and RICHARD BENNER

TAKE NOTICE THAT a hearing on the Motion for Default Judgment (ECF No. 9) filed by WM Capital Partners XXXIV, LLC is scheduled for TUESDAY, SEPTEMBER 27, 2016 at 2:00 p.m., before the Honorable Gerald J. Pappert, in a courtroom to be determined at the United States Courthouse, 601 Market Street, Philadelphia, PA 19106. Defendants

are advised to call chambers at (267) 299-7530 a day before the hearing for the courtroom location.

TIMOTHY T. STEVENS, ESQ.
PA ID #60247

DAVISON & McCARTHY, P.C.
Attorneys for Plaintiff,
WM Capital Partners XXXIV, LLC
702 Hamilton Street
Suite 300

Allentown, PA 18101
(610) 435-0450

S-23

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

In the Court of Common Pleas of
Lehigh County, Pennsylvania
Civil Action—Law

NO. 2016-C-1742

DITECH FINANCIAL LLC f/k/a
GREEN TREE SERVICING LLC
Plaintiff

vs.

MARGARET ZONDLO, in her capacity as Heir of PAUL ZONDLO, Deceased; ABIGAIL RIVERA, in her capacity as Heir of PAUL ZONDLO, Deceased; PETER ZONDLO, in his capacity as Heir of PAUL ZONDLO, Deceased; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER PAUL ZONDLO, DECEASED

Defendants

NOTICE

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER PAUL ZONDLO, DECEASED

You are hereby notified that on June 9, 2016, Plaintiff, DITECH FINANCIAL LLC f/k/a GREEN TREE SERVICING LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the

Court of Common Pleas of LEHIGH County, Pennsylvania, docketed to No. 2016-C-1742. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 620 SPRUCE STREET, EMMAUS, PA 18049-2126 whereupon your property would be sold by the Sheriff of LEHIGH County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

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

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

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

Notice to Defend:
Lawyer Referral Service
P.O. Box 1324
Allentown, PA 18105-1324
Telephone (610) 433-7094

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NOTICE

No. 2016-c-2645

Certificate of Title for
1984 Kawasaki Voyager
VIN JKAZNA14EB500612

To: Mike Bentz

William Boberski has filed a petition to obtain a certificate of title to an abandon motor vehicle: a 1984 Kawasaki Voyager, VIN Number JKA-ZNAA14EB500612 registered to Mike Bentz at 417 West Linden Street, Allentown, PA 18102.

A hearing will be held in the Petition in the Court of Common Pleas of Lehigh County on November 7, 2016 at 9:30 a.m. in Courtroom 2A. If you wish to be heard on this petition you must appear at the time and place listed. If you fail to appear the relief may be granted.

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NOTICE OF ACTION IN
MORTGAGE FORECLOSURE

In the Court of Common Pleas of
Lehigh County, Pennsylvania
Civil Action—Law

NO. 2016-C-2027

Nationstar Mortgage LLC d/b/a
Champion Mortgage Company,
Plaintiff

vs.

The Unknown Heirs of Carol S.
Tauber, Deceased, Mortgagor and
Real Owner,
Defendant(s)

To: The Unknown Heirs of Carol S.
Tauber, Deceased, Mortgagor and
Real Owner, Defendant(s), whose
last known address is 6747 North
Main Street, Coopersburg, PA
18036

This firm is a debt collector and we are attempting to collect a debt owed to our client. Any information obtained from you will be used for the purpose of collecting the debt. You are hereby notified that Plaintiff Nationstar Mortgage LLC d/b/a Champion Mortgage Company, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Lehigh County, Pennsylvania, docketed to No. 2016-C-2027, wherein Plaintiff seeks to foreclose on

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the mortgage secured on your property located, 6747 North Main Street, Coopersburg, PA 18036, whereupon your property will be sold by the Sheriff of Lehigh County. Notice: You have been sued in court. If you wish to defend against the claims set forth in the following pages, 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 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 or cannot afford one, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lehigh Valley Legal Services
65 E. Elizabeth Ave.
Ste. 903
Bethlehem, PA 18018
(610) 317-8757

MICHAEL T. McKEEVER, ESQ.
KML LAW GROUP, P.C.
Attys. for Plaintiff
Mellon Independence Center
701 Market St.
Ste. 5000
Philadelphia, PA 19106-1532
(215) 627-1322

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Skeptics say she will never start her own company.

A lawyer says she will.

She is denied her loan.

A lawyer helps her get one.

She can't get a lease for office space.

A lawyer sees to it that she does.

She needs a business plan.

A lawyer helps her draft one.

Skeptics said she would never start her own company.

A lawyer helped her prove them wrong.

You have rights. Lawyers protect them.
Pennsylvania Bar Association
Bar Association of Lehigh County



PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Monday, September 26, 2016**