

# Lehigh Law Journal

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1-23—3-6



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Date: March 25th

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## *Bar Memorials*

Those being remembered:

William G. Malkames (January 23, 2025)

James Heidecker (October 3, 2025)

Hon. William Platt (October 21, 2025)

George Nace, III (December 10, 2025)

David B. Shulman (December 16, 2025)

Friday March 6th

4:00PM

Lehigh County Courthouse

455 Hamilton St, Allentown, PA 18101

Court Room 2A

### **Notice to the Bar**

Judge Johnson's weekly walk-in civil motions for Tuesday, **March 31, 2026** is cancelled.

Judge Cohen's weekly civil walk-in motions scheduled for **Thursday, April 23, 2026**, is cancelled.

Judge Cohen's weekly civil walk-in motions scheduled for **Thursday, May 14, 2026**, is cancelled.

Judge Mark B. Stanziola's weekly walk-in civil motions court for **Wednesday, July 1, 2026** is cancelled.

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*NewsLine 4*

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*Continued from Previous Issue*

On October 6, 2025, the Official Court Reporter, Edda Bartko, filed the Notes of Testimony of the hearing held September 2, 2025, September 3, 2025, September 4, 2025, and September 5, 2025. On October 27, 2025, Defendant filed its *Defendant B. Braun US Device Manufacturing LLC's Proposed Findings of Fact and Conclusions of Law* and its *Defendant's Closing Argument Brief*. On October 27, 2025, Plaintiff filed his *Plaintiff's Proposed Findings of Fact and Conclusions of Law*. On October 28 2025, Plaintiff filed his *Plaintiff's Closing Argument*.<sup>99</sup> The matter is now ripe for disposition.

## II. STANDARD OF REVIEW

The rules governing class actions are set forth in the Pennsylvania Rules of Civil Procedure 1701 through 1717. “The burden of proving that class certification is appropriate falls upon the party seeking certification.” *Foust v. Southeastern Pennsylvania Transp. Auth.*, 756 A.2d 112, 118 (Pa. Cmwlth. 2000). Although a plaintiff’s burden is “not heavy, it requires more than mere conjecture, and conclusory allegations, especially if facts of record tend to contradict the propriety of the class action.” *Janicik v. Prudential Ins. Co. of America*, 451 A.2d 451,455 (Pa. Super. 1982). Nevertheless, it is the policy of this “Commonwealth that ‘decisions in favor of maintaining a class action should be liberally made.’” *Janicik*, 451 A.2d at 454 (quoting *Bell v. Beneficial Consumer Discount Co.*, 360 A.2d 681, 688 (Pa. Super. 1976)). In determining whether a plaintiff satisfied his/her burden, “the court shall consider all relevant testimony, depositions, admissions and other evidence” related to the “Class Action Allegations.” See Pa.R.Civ.P. 1707(c). The explanatory comment to Rule 1707 further provides that:

The [certification] hearing is confined to a consideration of the class action allegations and is not concerned with the merits of the controversy or with attacks on the other averments of the complaint. Its only purpose is to decide whether the action shall continue as a class action or as an action with individual parties only.

Pa.R.Civ.P. 1707, explanatory comment.

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<sup>99</sup>The deadline for timely submission was October 27, 2025; Plaintiff’s Closing Argument was docketed at 12:01 AM on October 28, 2025, two minutes past the deadline.

Ultimately, a class may be certified where the following criteria are satisfied:

(1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; (4) the representative parties will fairly and adequately assert and protect the interests of the class under the criteria set forth in Rule 1709; and (5) a class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Rule 1708.

Pa.R.Civ.P. 1702. With this context in mind, this Court shall address each prerequisite for class certification seriatim.

### III. FINDINGS OF FACT AND DISCUSSION

#### A. *Whether the class is so numerous that joinder of all members is impracticable?*

In Pennsylvania, “[t]here is no clear test of numerosity, but it is proper for a court to inquire whether the number of potential plaintiffs would pose a grave imposition on the resources of the court and an unnecessary drain on the energies and resources of the litigants should such potential plaintiffs sue individually.” See *Foust*, 756 A.2d at 118 (citing *Temple Univ. v. Pennsylvania Dept. of Public Welfare*, 374 A.2d 991 (Pa. Cmwlth. 1977)). And while a plaintiff need not identify the exact number of class members, a plaintiff must define the class with enough precision for the Court to find “that more members exist than it would be practicable to join.” See *Janicik*, 451 A.2d at 456.

Here, Plaintiff seeks certification of a Class comprised of:

All natural persons, who are currently citizens of Pennsylvania, who have resided within census tracts 42077000101, 42077001700, 42077001800, 42077001600, 420770008000, 42077000900, 42077001000, 42077001200, 420770006000, 42077009700, 42077005704, 42077006701, 42077006800, 42077009500, 42095010900, 42095011000, 42095010800, 42095010700, 42095010300, 42095017703, 42077009100,

42077009200, 42077009300, 42077009400, 42077009600, 42077000102, 42077000500, 42077000400, 42077005703, 42077000700[, ] 42095017702, 42077005902 42077005901, 42095016300, [and] 42077005702 (the “class zone” for a period of one year or more, at any point between January 1, 1991 and the date of final judgment in this action (the “class period”).<sup>100</sup>

Stated another way, membership in Plaintiff’s proposed Class depends upon geography and time; it does not include a threshold level of exposure to EtO. During the class certification hearing, Plaintiff presented the testimony of Charles Douglas Cowan, Ph.D., who was accepted by the Court as an expert in statistics and population analysis.<sup>101</sup> In explaining his methodology and analysis, Dr. Cowan testified that he:

conducted an analysis of the number of people in the census tracts identified in the class areas who would have been affected by ethylene oxide if they lived within one of the plumes of ethylene oxide for at least a year.

And then with this information I was provided, I submitted the concentrations of ethylene oxide so that I could divide the population into four groups, groups that were exposed to heavy concentrations for a year to five years and then longer periods of time.

So my analysis looked at people, but it’s people who were exposed to ethylene oxide based on materials that I received from counsel.<sup>102</sup>

In further explaining why he looked at EtO plumes, Dr. Cowan testified that although he knew that the Class definition did not

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<sup>100</sup>See Pl.’s 2/17/22 Third Am. Compl., ¶ 60. Excepted from the Class are “Defendant and any of its affiliates, parents or subsidiaries; all employees of Defendant; all persons who have been diagnosed with cancer; all persons who make a timely election to be excluded from the Class; government entities; and the judges assigned to this case, their immediate families, and court staff.” See Pl.’s 2/17/22 Third Am. Compl., ¶ 61.

<sup>101</sup>See N.T., 9/4/25, at 10:5–82:23.

<sup>102</sup>See N.T., 9/4/25, at 15:24–16:7.

contain a threshold exposure requirement, he analyzed the EtO plumes because

Well, I given several thresholds because of the maps that I was provided. So what I was trying to determine was the number of people who were exposed for a year to heavy concentrations or the number of people who over time may, maybe over a five-year period were exposed to a moderate concentration so that regardless of the threshold that is ultimately set, or if there are multiple thresholds, in either case, I can determine the number of people who were exposed to a threshold level for a specific amount of time.<sup>103</sup>

Ultimately, Dr. Cowan concluded that “the total number of people who were in the class area regardless of the threshold would be about 70,000. The number of people who were exposed depending on whether we use like a minimum threshold or a maximum threshold would be somewhere between let’s say 26,000 and in the upper 50s ... 50,000.”<sup>104</sup>

On cross-examination, Dr. Cowan testified that his analysis includes more census tracts than identified in the Plaintiff’s proposed Class definition because “in some cases the plume information that was provided to me expanded out over another census tract that was not listed in the complaint[.]” and he thought “the Court could decide whether or not—since the tract was covered by the plume, whether or not it should be included at a subsequent time.”<sup>105</sup> When discussing the charts in his report, Dr. Cowan explained that if an EtO plume did not encompass a census tract identified in the Plaintiff’s proposed Class definition, he did not include data for that census tract in his analysis.<sup>106</sup> Dr. Cowan indicated that the number of census tracts he analyzed also differed from the list included in Plaintiff’s proposed Class definition because over time, some tracts are subdivided or split.<sup>107</sup> Dr. Cowan also conceded that he was unable to state the estimated number

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<sup>103</sup>See N.T., 9/4/25, at 17:10–18:1.

<sup>104</sup>See N.T., 9/4/25, at 18:10–17.

<sup>105</sup>See N.T., 9/4/25, at 24:8–21.

<sup>106</sup>See N.T., 9/4/25, at 68:25–71:13.

<sup>107</sup>See N.T., 9/4/25, at 20:18–24:7.

of people contained within the 35 census tracts identified in Plaintiff's proposed Class definition.<sup>108</sup> Dr. Cowan also explained that the EtO exposure values used throughout his report came from Plaintiff's counsel and that he did not know where counsel got the values from.<sup>109</sup> Dr. Cowan further testified that he was not asked "to provide a mechanism to determine how someone becomes or is ascertained to be a member of this class" or "define the class area."<sup>110</sup> Instead, Dr. Cowan "was asked to provide a count of currently living people who were exposed to high levels of EtO gas."<sup>111</sup>

Upon review, the Court finds Dr. Cowan's testimony, his expert report, and his opinion not credible. Dr. Cowan engaged in a population analysis that was completely disconnected from the Class definition that Plaintiff seeks to certify. In completing his analysis, Dr. Cowan blindly relied on data and EtO plume information provided to him by Plaintiff's counsel. Consequently, Dr. Cowan population estimates are skewed and unreliable because they are tethered to and confined by a threshold EtO exposure requirement that does not exist in the proposed Class definition. Admittedly, Dr. Cowan estimated the number "of currently living people who were exposed to high levels of EtO gas" rather than the number of people who have lived in one of the 35 designated census tracts for a period of one year or more from January 1, 1991 through the present. That is, Plaintiff offered no testimony about the estimated number of members within his chosen Class definition.

As such, this Court cannot say that Plaintiff's proposed Class is defined with enough precision to support the conclusion "that more members exist than it would be practicable to join." See *Janicik*, 451 A.2d at 456. Although Dr. Cowan testified to a range of 26,000 to 70,000 potential Class members, which is an amount of people that would undoubtedly strain the court's resources, that estimate is completely disconnected from the proposed Class definition and thus, of no value to this Court's analysis. The number of members within Plaintiff's proposed Class has not been

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<sup>108</sup>See N.T., 9/4/25, at 26:18–27:2.

<sup>109</sup>See N.T., 9/4/25, at 40:1–18 and 50:25–51:11.

<sup>110</sup>See N.T., 9/4/25, at 62:15–17.

<sup>111</sup>See N.T., 9/4/25, at 62:2–17.

ascertained by Dr. Cowan, and based on his testimony is not ascertainable. This Court finds that Plaintiff's proposed Class contains an unknown number of people. Plaintiff's proposed Class definition is not well-defined or precise. Thus, this Court cannot say that the class is so numerous that joinder of all members is impracticable. Plaintiff has not satisfied the first prerequisite in Pennsylvania Rule of Civil Procedure 1702.

*B. Whether There Are Questions of Law or  
Fact Common to The Class?*

For purposes of maintaining a class action, “[c]ommon questions will generally exist if the class members’ legal grievances arise out of the ‘same practice or course of conduct’ on the part of the class opponent.” *Janicik*, 451 A.2d at 457. “The existence of individual questions essential to a class member’s recovery is not necessarily fatal to the class, and is contemplated by the rules.” *Id.* Nevertheless, “the facts must be substantially the same so that proof as to one claimant would be proof as to all.” *Allegheny County Housing Authority v. Berry*, 487 A.2d 995, 997 (Pa. Super. 1985). “If ... each question of disputed fact has a different origin, a different manner of proof and to which there are different defenses, we cannot consider them to be common questions of fact.” *Id.*

Here, Plaintiff contends that there are multiple questions of law and fact common to the proposed Class including “whether Defendant caused the Class’s exposure to EtO; whether Defendant owed the Class a duty of care; whether Defendant breached its duty of care; and whether Defendant’s conduct was negligent, willful, wanton, or otherwise culpable.”<sup>112</sup> Plaintiff also contends that there are common questions of law and fact regarding the elements of his claim for medical monitoring, those being:

whether the Class’s EtO exposure exceeded normal background levels, whether EtO constitutes a proven hazardous substance, whether the Class has a significantly increased risk of contracting a serious latent disease as a result of their EtO exposure, whether a monitoring procedure exists that

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<sup>112</sup>See Pl.’s 10/1/24 Memo, p. 10–11.

makes possible the early detection of the disease, whether the prescribed monitoring regime is different from that normally recommended in the absence of exposure, and whether the prescribed monitoring regime is reasonably necessary according to contemporary scientific principles.<sup>113</sup>

Moreover, Plaintiff contends that common proof can be used to show that all proposed Class Members were exposed to EtO in amounts greater than normal background levels, that EtO is a hazardous substance, and that Defendant was negligent.<sup>114</sup>

Defendant, on the other hand, contends that individual issues predominate because “the claims of Plaintiff and each Proposed Class Member vary across each element, requiring separate proof as to each class member.”<sup>115</sup> Defendant contends that Plaintiff cannot establish by common evidence the first two elements of his medical monitoring claim—exposure greater than normal background levels to a proven hazardous substance—because “[e]very Proposed Class Member has a different exposure profile, both as to their normal background levels and as to their alleged EtO exposure.”<sup>116</sup> Defendant emphasizes the fact that each member of the Class spent a different amount of time in the Class Zone, has different personal habits, medical history, and lifestyle choices, and may have been exposed to EtO in other locations.<sup>117</sup>

Defendant contends that Plaintiff’s expert, Dr. Ranajit Sahu, did not calculate individual exposure to EtO, but rather estimated the ambient-air concentration near Defendant’s Allentown Facility, which is an ineffective way to calculate class-wide exposure because it only shows a hypothetical level of exposure that is not consistent with each person’s individual travel habits and lifestyle.<sup>118</sup> Defendant further contends that Plaintiff cannot establish by common proof that any proposed Class Member, let alone all proposed Class Members, were exposed to hazardous levels of EtO because Plaintiff’s expert, Martin T. Wells, Ph.D., does not set a minimum

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<sup>113</sup>See Pl.’s 10/1/24 Memo, p. 11.

<sup>114</sup>See Pl.’s 11/27/24 Reply, p. 9–16.

<sup>115</sup>See Def.’s 11/1/24 Resp., p. 21.

<sup>116</sup>See Def.’s 11/1/24 Resp., p. 22.

<sup>117</sup>See Def.’s 11/1/24 Resp., p. 22–23.

<sup>118</sup>See Def.’s 11/1/24 Resp., p. 22–26.

threshold of exposure to EtO and, instead, relies on the scientifically and empirically unsupported propositions that “‘even low levels of exposure can increase the risk of cancer’ and that EtO does not ‘have a threshold below which no effect occurs.’”<sup>119</sup> Defendant contends that even if Dr. Wells’ flawed propositions were taken as true, “each Proposed Class Member’s actual exposure amount above normal background levels must be determined and compared to the scientific literature on a person-by-person basis to determine that person’s hazard (if any) and enhanced risk (if any).”<sup>120</sup>

Beyond this, Defendant contends that Plaintiff cannot use common evidence to prove that Defendant’s alleged negligence caused each proposed Class Member to be exposed to hazardous levels of EtO because there are numerous other environmental hazards within the Class Zone that increase the risk of cancer and because each proposed Class Member’s exposure to those other hazards is varied.<sup>121</sup> Moreover, because Defendant’s use and control of EtO changed over time, Defendant contends that the standard of care (and any alleged breach thereof) changed over time and that different standards of care apply depending on when and for how long a proposed Class Member lived in the proposed Class Zone.<sup>122</sup>

In order to establish a claim for medical monitoring, a plaintiff must prove the following elements,

- (1) exposure greater than normal background levels; (2) a proven hazardous substance; (3) caused by the defendant’s negligence; (4) as a proximate result of the exposure, plaintiff has a significantly increased risk of contracting a serious latent disease; (5) a medical monitoring procedure exists that makes the early detection of the disease possible; (6) the prescribed monitoring regime is different from that normally recom-

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<sup>119</sup>See Def.’s 11/1/24 Resp., p. 26–27.

<sup>120</sup>See Def.’s 11/1/24 Resp., p. 28.

<sup>121</sup>See Def.’s 11/1/24 Resp., p. 28–30.

<sup>122</sup>See Def.’s 11/1/24 Resp., p. 30–31.

mended in the absence of the exposure; and (7) the prescribed monitoring regime is reasonably necessary according to contemporary scientific principles.

*Redland Soccer Club, In. v. Dept. of the Army and Dept. of Defense of the U.S.*, 696 A.2d 137, 145-46 (Pa. 1997).

Undoubtedly, there are some common questions fact in the above-captioned matter that are capable of being demonstrated through common proof, such as whether EtO is a proven hazardous substance and whether EtO significantly increases the risk of contracting a serious latent disease.<sup>123</sup> During the class certification hearing, Plaintiff offered the testimony of Leslie Thomas Stayner, Ph.D., an epidemiologist, who opined that EtO is a known carcinogen that has been linked to an increased risk of leukemia, lymphoma, and breast cancer.<sup>124</sup> However, Dr. Stayner was not offered or qualified as an expert, and none of his opinions on direct were given to a reasonable degree of epidemiological certainty; only after Defendant moved to strike the testimony of Dr. Stayner, did Plaintiff's counsel attempt to qualify him as an expert and cure the defect in his opinions.<sup>125</sup> Despite this flaw, Dr. Stayner's opinions would, at the time of trial, apply on a Class-wide basis. Other portions of the record are also indicative of whether EtO is a proven hazardous substance, including the testimony of Defendant's corporate designee, Erin Armstrong, the current Director of Sterilization at Defendant's Allentown facility, and Mark Hammond, Defendant's expert in environmental air monitoring requirements, permitting, and governmental compliance.<sup>126</sup>

Beyond this though, the record is replete with issues of law and fact that are highly nuanced and require individualized inquiry and proof. It is those individualized questions of law and fact that will consume the parties' time and resources and unfairly predominate in the jury's ultimate consideration of the case.

Most glaringly, Defendant's alleged negligence cannot be proven on a Class-wide basis with common proof. The verdict slip

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<sup>123</sup>See, e.g., Pl.'s Ex. C and N.T., 9/2/25, at 51:9-53:11.

<sup>124</sup>See Pl.'s Ex. C and N.T., 9/2/25, at 51:9-53:11.

<sup>125</sup>See N.T., 9/2/25, at 49:3-85:16.

<sup>126</sup>See N.T., 9/4/25, at 138:1-18 and 237:22-238:6.

cannot contain one yes/no question that states “Was Defendant negligent?” This is so because Plaintiff’s proposed Class definition spans more than thirty years, during which knowledge about and regulation of EtO emissions changed. Simply because Plaintiff’s expert in mechanical engineering, chemical engineering, and air dispersing analysis, Ranajit Sahu, Ph.D., opined that Defendant did not “operate[] as a reasonable, careful, or prudent ethylene oxide sterilizing operation at any point between 1991 and 2020” does not make that statement true or capable of proof by common evidence.<sup>127</sup>

Defendant’s alleged negligence is necessarily a function of the evolving industry standards and regulatory requirements relative to EtO.<sup>128</sup> Conduct that could be classified as negligent in 1995, may not be considered negligent in 2005 or in 2015 or in 2025. Proof of Defendant’s negligence is not fixed, and there is not one set standard upon which Defendant’s conduct can be measured. The standard of care against which Defendant’s conduct must be measured is a function of the year or years that a particular Class Member lived in the Class Zone. As such, whether a particular Class Member can show that their exposure to EtO was caused by Defendant’s negligence depends upon the specific period that that particular Class Member resided in the Class Zone. For example, if the jury determines that Defendant was negligent in their EtO emissions from January 1, 2005 until January 1, 2006 and then again from January 1, 2008 until January 1, 2009, a Class Member who resided in the Class Zone from January 2, 2006 until December 31, 2007 would not be able to state a cause of action for medical monitoring because they cannot prove that Defendant was negligent and breached the standard of care during their term of residency, even though they otherwise meet the proposed Class definition.

Stated another way, whether Defendant’s conduct was negligent and caused harm to a particular Class Member necessarily depends on the year(s) that that person resided in the Class Zone as compared to the jury’s negligence finding for those years. Each proposed Class Member has a different term of residency

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<sup>127</sup>See N.T., 9/2/25, at 203: 15–17 and 240:1–6.

<sup>128</sup>See Def.’s 11/1/24 Resp., p. 31.

in the Class Zone, and the standard against which the jury will measure Defendant's conduct varies on a year-by-year, if not a month-by-month, basis. It is unreasonable to expect the parties to litigate and the jury to determine thousands of mini-cases within a single class action.

Furthermore, Plaintiff cannot, as to the entire Class, prove that every proposed Class Member was exposed to greater than normal background levels of EtO. Each proposed Class member spent a different amount of time in the Class Zone, has different personal habits, and may have been exposed to EtO in other locations. Preliminarily, Plaintiff's expert in mechanical engineering, chemical engineering, and air dispersing analysis, Ranajit Sahu, Ph.D., disregarded proposed Class definition when he performed his analysis and modeling of Defendant's EtO emissions. Instead of focusing on the 35 census tracts identified in the Class definition, Dr. Sahu analyzed a broader 50 kilometer grid because it is "a nice geometrical shape."<sup>129</sup> During his testimony, Dr. Sahu opined that background levels of EtO are not uniform and instead, vary from person to person.<sup>130</sup> Dr. Sahu testified that individual calculations would be required to determine the level of exposure for each Proposed Class Member.<sup>131</sup> Once again, it is not practical, efficient, or reasonable to present the jury with so much individualized data.

For all of these reasons, this Court finds that Plaintiff's claim for medical monitoring involves significant questions of law and fact that require individualized proof and analysis, such that the proposed Class does not meet the commonality of law or fact prerequisite under Pennsylvania Rule of Civil Procedure 1702.

*C. Whether the claims or defenses of the representative parties are typical of the claims or defenses of the class?*

The purpose of the typicality requirement "is to determine whether the class representative's overall position on the common issues is sufficiently aligned with that of the absent class members to ensure that [his] pursuit of [his] own interests will advance those of the proposed class members." *Janicik*, 45 1 A.2d at 457-58.

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<sup>129</sup>See N.T., 9/2/25, at 237:15–238:16.

<sup>130</sup>See N.T., 9/3/25, at 42:19–43:10.

<sup>131</sup>See N.T., 9/2/25, at 216:24–218:3.

“Typicality entails an inquiry into whether the named [plaintiff’s] individual circumstances are markedly different or the legal theory upon which the claims are based differs from that upon which the claims of other class members will be based.” *Keppley v. Sch. Dist. of Twin Valley*, 866 A.2d 1165, 1174 (Pa.Cmwlth. 2005).

Here, in his Third Amended Complaint, Plaintiff contends that because of Defendant’s “dangerous and reckless” emission of EtO, a known human carcinogen, from its Allentown manufacturing facility, he and all proposed Class Members “are at significantly increased risk of developing cancer, and periodic diagnostic medical examinations are reasonably and medically necessary.”<sup>132</sup> Plaintiff seeks “compensatory damages in the form of the quantifiable costs of establishing such a privately administered monitoring regime, or, in the alternative a Court-administered monitoring regime, punitive damages, and attorneys’ fees” as well as declaratory relief related to the establishment of the medical monitoring regime.<sup>133</sup>

Plaintiff contends that his claim is typical of the entire Class because he meets the Class definition.<sup>134</sup> Defendant contends that Plaintiff’s claims are atypical because of his individual characteristics and lifestyle, and because Plaintiff does not have a significantly increased risk of cancer under the methodology employed by Plaintiff’s expert Dr. Cowan.<sup>135</sup> Defendant also questions whether Plaintiff is an appropriate representative for female members of the Class, as there are different risks of developing breast cancer as between males and females.<sup>136</sup>

Upon review, Plaintiff’s overall position and self-interest are fairly well aligned with that of the absent Class Members. He seeks for himself participation in the same medical monitoring program that the absent Class Members would participate in. Plaintiff’s individual characteristics do not transform his overall position or the nature of his requested relief. Throughout this litigation, Plaintiff has maintained that his individual characteristics and the indi-

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<sup>132</sup>See Pl.’s 2/17/22 Third Am. Compl., ¶¶ 1, 19–30, and 52.

<sup>133</sup>See Pl.’s 2/17/22 Third Am. Compl., ¶ 85 and ad damnum clause.

<sup>134</sup>See Pl.’s 10/27/25 Proposed Findings, ¶ 86.

<sup>135</sup>See Def.’s 10/27/25 Proposed Findings, ¶¶ 177–183.

<sup>136</sup>See Def.’s 10/27/25 Proposed Findings, ¶178 and Def.’s 10/27/25 Br., p. 29.

vidual characteristics of each proposed Class Member are separable from and do not alter the manner in which the underlying legal claims are litigated. That Plaintiff may not need every diagnostic test offered in the medical monitoring program, does not mean that his overall interest is not aligned with Class Members that do require those tests. Accordingly, the Court finds that Plaintiff has satisfied the typicality requirement.

*D. Whether the representative parties will fairly and adequately assert and protect the interests of the class under the criteria set forth in Pennsylvania Rule of Civil Procedure 1709?*

In order to certify a class action, a trial court must conclude that “the representative parties will fairly and adequately assert and protect the interests of the” absent Class Members. *See* Pa.R.Civ.P. 1702(4). In evaluating the adequacy of the representative parties, the court shall consider:

- (1) whether the attorney for the representative parties will adequately represent the interest of the class,
- (2) whether the representative parties have a conflict of interest in the maintenance of the class action, and
- (3) whether the representative parties have or can acquire adequate financial resources to assure that the interests of the class will not be harmed.

*See* Pa.R.Civ.P. 1709. The representative parties “must be a member of the class which he or she seeks to represent at the time the class is certified ... in order to ensure due process to the absent class members and to satisfy requirements of standing.” *Janicik*, 451 A.2d at 458 (internal quotation marks omitted)(citation omitted).

Preliminarily, Plaintiff meets the criteria set forth in the proposed Class definition. He has resided in at least one of the 35 designated census tracts for at least one year between 1991 and the present.<sup>137</sup> Thus, Plaintiff has the potential to be an adequate class representative. However, Plaintiff has not been forthright during the pendency of this litigation, has not educated himself

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<sup>137</sup>*See* Pl.’s 2/17/22 Third Am. Compl., ¶¶ 8–9.

about important aspects of the case, and has not evidenced appropriate concern for the court proceedings.

Throughout this litigation, Plaintiff offered inaccurate statements about the duration and extent of his residency within the Class Zone.<sup>138</sup> There were also inconsistencies concerning his role at Lehigh Valley Autoplex and whether or not he was authorized to act as the corporate designee at a deposition on behalf of Lehigh Valley Autoplex.<sup>139</sup> These instances cast doubt on Plaintiff's ability to tell the truth and serve as a representative all of the absent Class Members.

Additionally, Plaintiff's testimony during his deposition and at the class certification hearing cast serious doubt about his knowledge of and interest in pursuing this litigation. Plaintiff testified that he first learned about this case from the Morgan & Morgan law firm, who previously represented him in an unrelated personal injury case.<sup>140</sup> Plaintiff did not seek out counsel because of a perceived injury inflicted by Defendant; in fact, Plaintiff was unaware that he even had a claim against Defendant.<sup>141</sup> This litigation was commenced in Philadelphia County in 2019. At his deposition in November 2023, approximately four years later, Plaintiff testified that he was unaware of what the Class definition was or how it was created.<sup>142</sup> At the class certification hearing, Plaintiff testified that he was unaware that the active pleading in the above-captioned matter is the *Third Amended Class Action Complaint* and that he has no independent knowledge about averments in the *Third Amended Class Action Complaint*.<sup>143</sup> Despite this lack of knowledge, Plaintiff signed a verification. At his deposition in November 2023, Plaintiff also testified that the first time he personally researched the facts and circumstances regarding this case was a few days prior thereto—nearly four years after litigation originally

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<sup>138</sup>See N.T., 9/2/25, at 87:25–89:19, 91:16–94:13, 119:5–121:7, and 136:15–147:18, Pl.'s 2/17/22 Third Am. Compl., ¶¶ 8–10, Def.'s Ex. 29, and Def.'s Ex. 41.

<sup>139</sup>See N.T., 9/2/25, at 89:20–90:7, 91:7–10, 123:1–132:21, and Def.'s Ex. 24.

<sup>140</sup>See N.T., 9/2/25, at 102:11–102:21.

<sup>141</sup>See N.T., 9/2/25, at 103:22–105:16.

<sup>142</sup>See N.T., 9/2/25, at 100:10–12.

<sup>143</sup>See N.T., 9/2/25, at 105:17–106:1 and 109:17–110:3.

commenced.<sup>144</sup> At the class certification hearing, Plaintiff testified that he had not read any of his expert's reports or summaries of their reports, and had never met any of them prior to the class certification hearing.<sup>145</sup>

Beyond this, once Plaintiff finished testifying at midday on September 2, 2025, he left the courtroom and the courthouse without the Court's permission. When court resumed at 1:23 PM, Plaintiff was not present. At that time, Plaintiff's counsel asked this Court to "confirm that [Plaintiff] has been excused."<sup>146</sup> Plaintiff's counsel did not make prior arrangements for Plaintiff to be excused from attending the proceedings, and did not prior to Plaintiff's departure, ask for Plaintiff to be excused. As such, this Court did not grant Plaintiff permission to be excused and stated that Plaintiff is required to attend for the duration because he chose to pursue this case.<sup>147</sup> After being contacted by Plaintiff's counsel, Plaintiff returned to the courtroom at approximately 2:40 PM.<sup>148</sup> At the end of the day, Plaintiff's counsel renewed Plaintiff's request to be excused from the remaining days of the class certification hearing, emphasizing Plaintiff's position as the "sole breadwinner in his family", who "works on commission".<sup>149</sup> Plaintiff was not excused by this Court.

Taken as a whole, it is clear to this Court that Plaintiff did not prioritize this litigation or make advanced arrangements to be available during such a critical phase as the class certification hearing. Plaintiff's nonchalance and seeming indifference to the substance of his case is disturbing. This Court is convinced and finds that Plaintiff "lack[s] the incentive to vigorously pursue the class action on behalf of the proposed membership." *Keppley*, 866 A.2d at 1176.

Litigation of this magnitude is a time-consuming and expensive venture. Plaintiff also offered no testimony or evidence regarding his financial resources or his ability to acquire adequate finan-

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<sup>144</sup>See N.T., 9/2/25, at 108:8–22.

<sup>145</sup>See N.T., 9/2/25, at 97:19–98:1.

<sup>146</sup>See N.T., 9/2/25, at 151:17–24.

<sup>147</sup>See N.T., 9/2/25, at 151: 23–24.

<sup>148</sup>See N.T., 9/2/25, at 199:1–9.

<sup>149</sup>See N.T., 9/2/25, at 281:1–285:9.

cial resources to protect the interest of the Class for the duration of this litigation. There was no testimony or evidence concerning the existence of a financial arrangement between Plaintiff and his counsel. Although declarations from Plaintiff's counsel concerning their ability to advance the costs of litigation were attached to the *Plaintiff's Motion for Class Certification*, those declarations were never marked as exhibits or moved into evidence at the class certification hearing.<sup>150</sup> It is unclear to this Court why Plaintiff's counsel did not present any testimony about the declarations. It appears that Plaintiff's counsel assumed that the declarations were part of the evidentiary record simply because they were attached to the *Plaintiff's Motion for Class Certification*. However, there is a difference between documents filed on the court's docket and documents properly moved into the evidentiary record.<sup>151</sup> Plaintiff's counsel should have moved the declarations into evidence for them to properly be considered evidence.

Similarly, there was no testimony or evidence presented about the qualifications of Plaintiff's counsel. Undoubtedly, Plaintiff's counsel was professional and knowledgeable about the substance of the case. While this Court must give some weight to the fact that Defendant did not challenge the qualifications or adequacy of Plaintiff's counsel, this Court cannot ignore the missteps that it has had occasion to personally observe. These missteps undermine Plaintiff's counsel's adequacy to serve as counsel for the proposed Class.

Preliminary, this Court must note that for more than four years, Plaintiff's counsel have at best overlooked, and at worst intentionally ignored, a simple directive included in this Court's September 22, 2021 Order. The above-captioned matter originated in Philadelphia County in 2019 and was transferred to Lehigh County in 2020. Upon review of the transferred file, this Court noted that both Plaintiff and Defendant were represented by numerous attorneys, who are not licensed to practice law in the Commonwealth of Pennsylvania, and had been admitted *pro hac vice* in Philadelphia County. The final paragraph of this Court's

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<sup>150</sup>See Pl.'s 10/1/24 Mot., Ex. K and Ex. L.

<sup>151</sup>"In determining whether to certify the action as a class action the court shall consider all relevant testimony, depositions, admissions and other evidence." Pa.R.Civ.P. 1707.

September 22, 2021 Order instructed the parties as follows, “Any and all attorneys who were admitted *pro hac vice* in the Philadelphia County action shall forthwith re-file their *pro hac vice* motions in the above-captioned matter.”<sup>152</sup>

Plaintiff and his counsel have substantially disregarded this directive. Since the transfer, Plaintiff has consistently included T. Michael Morgan, Esquire, John A. Yanchunis, Esquire, and Frank Petosa, Esquire, in the signature block of their filings and has erroneously denoted that they have been admitted *pro hac vice* before this Court.<sup>153</sup> However, Mr. Morgan, Mr. Yanchunis, and Mr. Petosa are not licensed to practice law in the Commonwealth of Pennsylvania and have never moved for *pro hac vice* admission in Lehigh County. They are not counsel of record in the above-captioned matter. Nevertheless, their names continue to appear on all of Plaintiff’s filings, including the recently filed October 28, 2025 *Plaintiff’s Closing Argument*.

This misrepresentation by Plaintiff’s counsel continued even after a second reminder by the Court in May 2025. On May 12, 2025, Plaintiff filed a *Motion to Substitute Sponsor of Rene F. Rocha, Esq., Pro Hac Vice*. Upon review of the docket, this Court confirmed that Rene F. Rocha, Esquire, had not moved for admission *pro hac vice* in Lehigh County.<sup>154</sup> On May 14, 2025, this Court entered an Order that dismissed the May 12, 2025 *Motion to Substitute Sponsor of Rene F. Rocha, Esq., Pro Hac Vice* as moot. The May 14, 2025 Order contained a lengthy footnote that explained the misrepresentation related to Mr. Rocha, and his colleagues, Mr. Morgan, Mr. Yanchunis, and Mr. Petosa. On May 15, 2025, the parties were scheduled to appear before this Court for argument on six preliminary motions related to the issue of class certification. Mr. Rocha appeared and intended to argue on behalf of Plaintiff. This Court advised him that he was not counsel of record in Lehigh County and that he was not able to speak on

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<sup>152</sup>See 9/22/21 Order, p. 2 (extraneous capitalization omitted).

<sup>153</sup>See, e.g., Pl.’s 2/17/22 Third Am. Compl., Pl.’s 9/1/22 Resp., Pl.’s 6/8/23 Mot., Pl.’s 12/1/23 Mot., Pl.’s 4/25/24 Mot., Pl.’s 10/1/24 Mot., Pl.’s 4/18/25 Resp., and Pl.’s 10/28/25 Br.

<sup>154</sup>Like his colleagues, Mr. Morgan, Mr. Yanchunis, and Mr. Petosa, from the date of transfer through May 2025, Mr. Rocha’s name appeared in the signature block of all filings and erroneously denoted that he had been admitted *pro hac vice* before this Court.

behalf of Plaintiff. Thereafter, Plaintiff quickly filed a motion to admit Mr. Rocha *pro hac vice*,<sup>155</sup> but did not take similar action as to Mr. Morgan, Mr. Yanchunis, and Mr. Petosa.

Plaintiff's counsel's nonchalance regarding the status of Mr. Morgan, Mr. Yanchunis, and Mr. Petosa is disconcerting. Attention to detail is critical in a case of the scale that Plaintiff and his counsel contemplate. The continued inclusion of Mr. Morgan, Mr. Yanchunis, and Mr. Petosa in the signature blocks of Plaintiff's filings gives the appearance that having their name associated with this case is more important than following the rules of court. For more than four years, the statuses of Mr. Morgan, Mr. Yanchunis, and Mr. Petosa have been misrepresented.

Beyond this, although narratives describing the skill and experience of Plaintiff's counsel and their law firms were attached to *Plaintiff's Motion for Class Certification*, those narratives were never marked as exhibits or moved into evidence at the class certification hearing.<sup>156</sup> It is unclear to this Court why Plaintiff's counsel did not present any testimony about the narratives. It appears that Plaintiff's counsel assumed that the narratives were part of the evidentiary record simply because they were attached to the Plaintiff's Motion for Class Certification. However, as previously stated, there is a difference between documents filed on the court's docket and documents properly moved into the evidentiary record.<sup>157</sup> Plaintiff's counsel should have moved the narratives into evidence for this Court to properly consider them as evidence.

Additionally, at the class certification hearing, Plaintiff's counsel did not offer or qualify Dr. Stayner as an expert witness, and they did not introduce his curriculum vitae into evidence.<sup>158</sup> Consequently, none of Dr. Stayner's opinions on direct were given to a reasonable degree of epidemiological certainty; only after Defendant moved to strike the testimony of Dr. Stayner, did Plain-

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<sup>155</sup>Mr. Rocha was granted permission to practice *pro hac vice* before this Court on June 10, 2025.

<sup>156</sup>See Pl.'s 10/1/24 Mot., Ex. F and G.

<sup>157</sup>"In determining whether to certify the action as a class action the court shall consider all relevant testimony, depositions, admissions and other evidence." Pa.R.Civ.P. 1707.

<sup>158</sup>See N.T., 9/2/25, at 49:3-85:16.

tiff's counsel attempt to qualify him as an expert and cure the defect in his opinions.<sup>159</sup> Familiarity with and adherence to rules of court and laws of this Commonwealth is of utmost concern in class action litigation.

Plaintiff's counsel's conduct related to the presentation of Dr. Cowan's testimony at the class certification hearing was also concerning to this Court.<sup>160</sup> On August 14, 2025, this Court held a pre-certification hearing conference with counsel for the parties to discuss logistics. At that time, Plaintiff's counsel did not raise any issues related to scheduling or the need for virtual/remote testimony. Surprisingly, on September 2, 2025, Plaintiff's counsel began the day by stating that their statistical research and design expert, Dr. Cowan, was out of the country and would not be able to testify in person until September 8, 2025; they sought permission to call him out of turn. Defense counsel objected to the notion of starting its case before Plaintiff rested. The Court inquired about Dr. Cowan's unavailability, and ultimately asked Plaintiff's counsel for documentation of their communications with Dr. Cowan to assess when the issue arose. Plaintiff provided the Court with a set of correspondence that was reviewed *in camera*.<sup>161</sup> The correspondence showed that Plaintiff's counsel advised Dr. Cowan in March 2025 that the pre-certification hearing was scheduled to begin on September 2, 2025. On August 18, 2025, four days after the pre-certification conference, Dr. Cowan advised Plaintiff's counsel that he was away in Great Britain from August 21, 2025 through September 6, 2025.

Despite knowing of Dr. Cowan's unavailability for at least two weeks, Plaintiff's counsel waited to raise the issue with this Court until the morning of the class certification hearing on September 2, 2025. There is simply no good reason why the issue with Dr. Cowan's testimony could not have been resolved prior to September 2, 2025. As a result of Plaintiff's counsel's delay in notifying the Court, last minute arrangements had to be made

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<sup>159</sup>See N.T., 9/2/25, at 49:3–85:16.

<sup>160</sup>See N.T., 9/2/25, at 9:2–14:20 and 252:17–23, N.T., 9/3/25, at 5:5–9:12, 140:9–25, 208:12–213:3, and N.T., 9/4/25, at 6:14–82:23.

<sup>161</sup>See Ct. Ex. 1.

while the class certification hearing was in progress. Plaintiff's counsel's dilatory conduct resulted in Dr. Cowan testifying from a Turkish restaurant in London using his cell phone, without access to his report or any of the exhibits. Had Plaintiff's counsel acted promptly, they could have arranged for Dr. Cowan to be in a conference room or office with access to a computer, his report, and the exhibits. The quality of Dr. Cowan's testimony and thus, Plaintiff's case suffered as result of Plaintiff's counsel's dilatory conduct.

Upon review of Plaintiff's inconsistent testimony, his presentation before this Court, and his desire to be elsewhere, this Court finds that Plaintiff lacks the motivation to vigorously, fairly, and adequately pursue this class action on behalf of the proposed Class. The Court further finds that Plaintiff's counsel are not suited to serve as counsel for the proposed Class due to their inattention to detail and repeated procedural missteps.

*E. Whether a class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Pennsylvania Rule of Civil Procedure 1708?*<sup>9</sup>

The final prerequisite to certification of a class is whether "a class action provides a fair and efficient method for adjudication of the controversy under the criteria set forth in Rule 1708." *See* Pa.R.Civ.P. 1702(5). "In determining fairness and efficiency, the court must balance the interests of the litigants, present and absent, and of the court system." *Janicik*, 45 I A.2d at 461. The specific factors that a trial court must consider to evaluate whether a class action would be fair and efficient depend upon the nature of the relief sought by Plaintiff. *See* Pa.R.Civ.P. 1708. Where, as here, both monetary and declaratory relief are sought, the trial court must consider the factors set forth in subsections (a) and (b) of Rule 1708. *See* Pa.R.Civ.P. 1708(c). That is, this Court must consider:

- (1) whether common questions of law or fact predominate over any question affecting only individual members;
- (2) the size of the class and the difficulties likely to be encountered in the management of the action as a class action;

- (3) whether the prosecution of separate actions by or against individual members of the class would create a risk of
  - (i) inconsistent or varying adjudications with respect to individual members of the class which would confront the party opposing the class with incompatible standards of conduct;
  - (ii) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests;
- (4) the extent and nature of any litigation already commenced by or against members of the class involving any of the same issues;
- (5) whether the particular forum is appropriate for the litigation of the claims of the entire class;
- (6) whether in view of the complexities of the issues or the expenses of litigation the separate claims of individual class members are insufficient in amount to support separate actions;
- (7) whether it is likely that the amount which may be recovered by individual class members will be so small in relation to the expense and effort of administering the action as not to justify a class action[;]

and “whether the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making final equitable or declaratory relief appropriate with respect to the class.” *See* Pa.R.Civ.P. 1708(a) and (b). Accordingly, each factor shall be addressed in turn.

#### 1. Predominance

The predominance factor contained in Rule 1708(a)(1) is “closely akin” to the common questions of law and fact prerequisite contained in Rule 1702(2). *See Janicik*, 451 A.2d at 461. As explained in Section (III)(B) above, Plaintiff’s claim for medical

monitoring involves significant questions of law and fact that require individualized proof and analysis, such that the proposed Class does not meet the commonality of law or fact prerequisite under Pennsylvania Rule of Civil Procedure 1702. Plaintiff is similarly unable to meet the predominance factor contained in Pennsylvania Rule of Civil Procedure 1708(a)(1) because questions that affect individual members are far more significant than the questions that all proposed Class members have in common. This factor weighs against finding that a class action would be fair and efficient.

## 2. Size and Management of the Class

Administrative difficulties are typically insufficient to “justify the denial of an otherwise appropriate class action.” See *Janick*, 451 A.2d at 462. This is so because “the court should rely on the ingenuity and aid of counsel and upon its plenary authority to control the action to solve whatever management problems the litigation may bring.” *Id.* However, the evidence here suggests that Plaintiff, his expert witnesses, and his counsel have not actually identified any other potential class members; they exist in concept only.<sup>162</sup> Unlike other class action cases where proposed class members transacted business with or were employed by the opposing party, such that their contact information is contained in the opposing party’s business records, the Plaintiff and proposed Class Members in this case are connected to Defendant by proximity alone.

As was previously discussed in Section (III)(A) above, Plaintiff relied on Dr. Cowan, who was accepted by the Court as an expert in statistics and population analysis, to opine on the size of the proposed Class. However, the Court found Dr. Cowan’s testimony, his expert report, and his opinion not credible because he engaged in a population analysis that was completely disconnected from the Class definition. In completing his analysis, Dr. Cowan blindly relied on data and EtO plume information provided to him by Plaintiff’s counsel. Consequently, Dr. Cowan population estimates are skewed and unreliable because they are couched in a threshold requirement that is not part of the proposed Class defi-

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<sup>162</sup>Plaintiff testified that he has not been involved in any efforts to recruit other Class Members. See N.T., 9/2/25, at 99:3–5.

dition. As presented, the number of members within Plaintiff's proposed Class has not been ascertained and is not ascertainable. This Court finds that Plaintiff's proposed Class contains an unknown number of people. This Court cannot, with any level of certainty state whether it would be more or less difficult to manage the proposed Class as compared to other class actions. This factor weighs against finding that a class action would be fair and efficient.

### 3. Risks Attendant to Pursuit and Adjudication of Separate Actions

This factor is concerned with equity and uniformity from one Class Member to the next Class Member and as between all Class Members and Defendant. This Court must consider whether separate lawsuits brought by individual members of the proposed Class risk "inconsistent or varying adjudications with respect to individual members of the class which would confront the party opposing the class with incompatible standards of conduct" and also whether separate adjudications "would as a practical matter be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests." *See* Pa.R.Civ.P. 1708(a)(3).

As was aptly explained by the Superior Court of Pennsylvania,

Courts may, and often do, differ in resolving similar questions presenting issues of law or fact. The precedential effect of a decision, even if incorrect, may have a chilling effect on the assertion of similar claims, and combined with the expiring of statutes of limitation, may often 'substantially impair or impede' potential litigants' ability to protect their interests.

*See Janicik*, 451 A.2d at 462 (citing Pa.R.Civ.P. 1708(a)(3)(ii)).

The above-captioned matter seeks establishment of a medical monitoring program and declaratory relief related to Defendant's alleged negligent emission of EtO from its Allentown facility. While all potential claimants reside in either Lehigh County or its neighbor, Northampton County, there is always a risk that trial courts and juries reach different conclusions on the same or substan-

tially similar evidence. There is also a risk that different trial courts will make different evidentiary rulings and reach different conclusions on the qualifications of expert witnesses. Although some difference is to be expected, because of each claimant's individual characteristics and term of residency in the proposed Class zone, the risk of inconsistent rulings weighs in favor of class action litigation. "The class action, when compared to separate actions under this criterion, affords the speedier and more comprehensive [area-wide] determination of the claim, and thus, the better means to ensure recovery if the claim proves meritorious or to spare [Defendant] piecemeal litigation if it does not." *Janicik*, 451 A.2d at 462-63. This factor weighs in favor of finding that a class action would be fair and efficient.

#### 4. Extent of Other Litigation

This Court has not been made aware of any other litigation against Defendant that seeks medical monitoring for individuals, who have not yet developed a serious disease. This Court is aware of multiple personal injury actions brought against Defendant in Philadelphia County that seek damages for individuals who have already developed a serious disease. This factor is neutral.

#### 5. Appropriateness of the Forum

This Court has jurisdiction over Defendant's Allentown facility, as it is located in Lehigh County. The proposed Class would be comprised of individuals, who have lived in the 35 census tracts that surround the Allentown facility and span Lehigh County and the adjacent Northampton County. Because Defendant's allegedly negligent conduct occurred at the Allentown facility, which is located in Lehigh County, this Court concludes that Lehigh County is an appropriate forum for this proposed class action litigation. This factor weighs in favor of finding that a class action would be fair and efficient.

#### 6. Complexity and Expense of Separate Actions

Here, "the court may consider the parties' circumstances and respective ability to pursue separate actions." *See Janicik*, 451 A.2d at 462. The pursuit of a medical monitoring claim is a complex, expensive, and time-consuming venture. It requires the participa-

tion of experts from numerous fields, including epidemiology, hematology, oncology, toxicology, engineering, air modeling and dispersion, statistics, and economics. Obtaining reports and testimony from experts in each of these fields is an expensive task, and there are a finite group of individuals who are willing and able to fill those roles.

The proposed Class is comprised of individuals, who undoubtedly have different financial resources at their disposal, while Defendant is a large business that has sufficient funds to employ approximately 1,000 people. Although Defendant likely has the ability and resources to defend multiple separate actions, the same cannot necessarily be said for each of the proposed Class Members. This factor weighs slightly in favor of finding that a class action would be fair and efficient.

#### 7. Potential Individual Recovery

Plaintiff's claim is for establishment of a multi-million-dollar medical monitoring program for the lifetime of each Class Member. Plaintiff produced the report of Leslie Ellen Schafer, Ph.D., an economist, who calculated the baseline costs of the medical monitoring program, inclusive of labor costs and procedure costs.<sup>163</sup> Although Dr. Schafer did not testify about the specific dollar amounts attributable to each proposed Class Member, a review of tables in her report demonstrates that the annual costs per proposed Class Member would be tens of thousands of dollars.<sup>164</sup> Thus, the potential amount that may be recovered by each proposed Class Member is not small in relation to the costs of litigation. The financial value associated with lifetime medical monitoring is likely greater than the cost of bringing an individual lawsuit against Defendant. The potential recovery for each proposed Class Member is substantial enough to incentive them to bring separate causes of action if a class is not certified. This factor weighs against finding that a class action would be fair and efficient.

#### 8. Defendant's Generally Applicable Conduct

This factor relates to Plaintiff's request for declaratory relief. *See* Pa.R.Civ.P. 1708(b). In this matter, Defendant's alleged neg-

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<sup>163</sup>*See* N.T., 9/3/25, at 214:14–247:7 and Pl.'s Ex. V.

<sup>164</sup>*See* Pl.'s Ex. V.

ligence consists of the emission of EtO into the air surrounding its Allentown facility. Plaintiff seeks declarations that Defendant's "EtO emissions are inherently dangerous and unsafe to Plaintiff and Class members," "that Defendant must expeditiously notify the Class of such dangers," "that Defendant is liable for past, present, and future costs of medical monitoring and related treatment as a result of Defendant's conduct in emitting EtO into the environment," and "that Defendant has emitted EtO into the class area at levels above those deemed acceptable by the EPA and in excess of its regulatory permitting allowances."<sup>165</sup>

Although each proposed Class Member was exposed to a different amount of EtO based on the length of time he or she spent in the Class Zone (which significantly alters the analysis related to standard of care and breach for each person), Defendant's underlying conduct is largely the same—emission of EtO. Defendant's act of emitting EtO from its Allentown Facility is generally applicable to the entire proposed Class. This factor weighs in favor of finding that a class action would be fair and efficient.

Now, after analysis of all the factors set forth in Pennsylvania Rule of Civil Procedure 1708, this Court finds that there are slightly more factors in favor finding that a class action would be fair and efficient than there are against finding that a class action would be fair and efficient. However, the factors that weigh against finding that a class action would be fair and efficient are more significant and substantial than those that weigh in favor of finding that a class action would be fair and efficient. Of particular importance to this Court are the factors related to predominance and manageability. Accordingly, more weight is afforded to them. Thus, this Court finds that a class action is not a fair and efficient method for adjudication of this case.

#### IV. CONCLUSION

Upon review of the record, and after consideration of the five prerequisites of Pennsylvania Rule of Civil Procedure 1702, the factors in Pennsylvania Rules of Civil Procedure 1708 and 1709, and applicable case law, this Court finds that Plaintiff has not sat-

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<sup>165</sup>See Pl.'s 2/17/22 Third Am. Compl., *ad damnum* clause.

ified four of the five prerequisites in Rule 1702 and that refusal of Plaintiff's request for class certification is appropriate. Plaintiff did not demonstrate that the proposed Class is so numerous that joinder of all members is impracticable, that questions of law or fact common to the class predominate, that the representative parties will fairly and adequately assert and protect the interests of the class, and that a class action is a fair and efficient method for adjudication of the controversy. This Court does find that Plaintiff met the requirement that his claims are typical of the claims of the class. For all of the aforementioned reasons, this Court refuses to certify the class in the above-captioned matter. The October 1, 2024 *Plaintiff's Motion for Class Certification* is denied.

An appropriate order entered this same date accompanies.

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ORDER

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AND NOW, this 31st day of December, 2025, upon consideration of October 1, 2024 *Plaintiff's Motion for Class Certification*, the November 1, 2024 *Defendant B. Braun US Device Manufacturing LLC's Response in Opposition to Plaintiff's Motion for Class Certification*, and the November 27, 2024 *Plaintiff's Reply in Further Support of His Motion for Class Certification*; and after a class certification hearing held September 2, 2025, September 3, 2025, September 4, 2025, and September 5, 2025, attended by Kelly L. Tucker, Esquire, Tudor I. Farcas, Esquire, Caley De-Groote, Esquire, and Rene F. Rocha, Esquire, *pro hac vice*, co-counsel for Plaintiff, Mourad Abdelaziz, and Samuel W. Silver, Esquire, Samuel E. Cohen, Esquire, and Jennifer P. Adams, Esquire, *pro hac vice*, co-counsel for Defendant, B. Braun US Device Manufacturing LLC; and for the reasons set forth in the accompanying Memorandum Opinion in accordance with Pennsylvania Rule of Civil Procedure 1701 *et seq.*;

IT IS HEREBY ORDERED that the October 1, 2024 *Plaintiff's Motion for Class Certification* is DENIED, and class certification is REFUSED.

**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**

**Bennett, Ruth I.,** dec'd.

Late of Allentown.  
Executrix: Nancy Jane Dinger a/k/a Inc Nancy H. Dinger.  
Attorneys: Gladys E. Wiles, Esquire, Snyder & Wiles, P.C., 7731 Main Street, Fogelsville, PA 18051, (610) 391-9500.

**Bretz, Margaret I.,** dec'd.

Late of Slatington.  
Executor: Phillip Bernard Bretz c/o Keith W. Strohl, Esquire, Steckel and Stopp, LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.  
Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp, LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

**Bourey, Roderick A. a/k/a Roderick Allen Bourey,** dec'd.

Late of Allentown.  
Executrix: Nancy Knapp, 32 Bolivia St., Willimantic, CT 06226.

Attorney: Michael J. Piosa, Esquire, 1433 Wethersfield Dr., Allentown, PA 18104.

**Calizo, Lydia F.,** dec'd.

Late of Bethlehem.  
Administrator: Clinton A. Ray, 2024 Westgate Drive, Apt. C6, Bethlehem, PA 18017.

**Clymer, Marilyn June,** dec'd.

Late of the City of Allentown.  
Executrix: Linda Gayle Perilla c/o Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.  
Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020.

**Gagge, Annette,** dec'd.

Late of Whitehall.  
Executor: John P. Gagge c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.  
Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

**Handwerk, Richard A.,** dec'd.

Late of Slatington.  
Executrix: Barbara A. Eckhart c/o Yary L. Ledee de Leon, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067.  
Attorneys: Yary L. Ledee de Leon, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067.

**Hickey, Jane Anne,** dec'd.

Late of Center Valley.

Executrix: Kerry Hickey Cheever, 3222 Friedens Lane, Center Valley, PA 18034.

**Horn, Sandra J. a/k/a Sandra Jeanne Horn**, dec'd.

Late of South Whitehall Township.

Administratrix: Antoinette E. Horn.

Attorneys: Michelle M. Forsell, Esq., Crosson & Richetti, LLC, 570 Main Street, Pennsburg, PA 18073.

**Lang, Joy Ola**, dec'd.

Late of Whitehall.

Co-Executors: Tracy Jeune Garner and Shawn Timothy Lang c/o Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Stephen A. Strack, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

**Miller, Dorothy S.**, dec'd.

Late of South Whitehall.

Co-Executors: Dianne K. Houck and Timothy A. Miller c/o William P. Bried, Esq., LLC, 1600 Hamilton Street, Allentown, PA 18102-4214.

Attorneys: William P. Bried, Esq., William P. Bried, Esq., LLC, 1600 Hamilton Street, Allentown, PA 18102-4214, (610) 709-6200.

**Miller, Eileen M. a/k/a Eileen V. Miller and Eileen M. V. Miller**, dec'd.

Late of Whitehall.

Executor: Michael K. Miller, 3301 N. 4th Street, Whitehall, PA 18052.

Attorney: Michael J. Piosa, Esquire, 1433 Wethersfield Dr., Allentown, PA 18104.

**Peifley, Marian C.**, dec'd.

Late of Allentown.

Executor: John F. Hivizdak c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

**Porras, Hernan**, dec'd.

Late of Lehigh County.

Co-Administratrices: Melida Adorno and Lizette Donan c/o Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

Attorneys: Christopher R. Gray, Esquire, Norris McLaughlin, P.A., 515 West Hamilton Street, Suite 502, Allentown, PA 18101.

**Reynolds, Scott David**, dec'd.

Late of Bethlehem.

Administrator: Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018.

Attorney: Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018.

**Rivera, Ramiro Rivera a/k/a Ramiro Rivera**, dec'd.

Late of Fountain Hill.

Executrix: Claudia Rivera, 1609 W. Lincoln Highway, Langhorne, PA 19047.

**Shafer, Rosemarie A. a/k/a Rosemarie Ann Shafer**, dec'd.

Late of Coplay.

Executor: Eric Shafer a/k/a Eric Robert Shafer c/o Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069.

Attorneys: Sally L. Schoffstall, Esquire, Schoffstall Elder Law, 2987 Corporate Court, Suite 200, Orefield, PA 18069.

**Thielmann, Elizabeth A.,** dec'd.

Late of the City of Allentown.  
Executor: Mark E. Thielmann c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Allentown, PA 18101.  
Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 West Hamilton Street, Allentown, PA 18101.

**Williamson, Carol a/k/a Carol L. Williamson,** dec'd.

Late of Lower Macungie Township.  
Executrix: Constance L. Bartos c/o Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018.  
Attorney: Douglas J. Tkacik, Esquire, 18 East Market Street, Bethlehem, PA 18018.

**Yost, Kathy S.,** dec'd.

Late of Orefield.  
Administratrix: Jodi Lynn Koch, 1102 S. Barbara Drive, Alburdis, PA 18011.  
Attorney: Paul J. Harak, Esquire, 1216 Linden Street, P.O. Box 1409, Bethlehem, PA 18016.

**SECOND PUBLICATION**

**Ashley, Andrè Robert,** dec'd.

Late of Wescosville.  
Administrator: Andrè Richard Ashley, 2920 W. Tilghman Street, Allentown, PA 18104.

**Beitler, Mary J.,** dec'd.

Late of 215 Peach Street, Allentown.

Executrix: Robin Beitler, P.O. Box 215, Northampton, PA 18067.

Attorneys: Alexa S. Antanavage, Esquire, Antanavage Farbiarz, PLLC, 64 North Fourth Street, Hamburg, PA 19526.

**Bohner, William L.,** dec'd.

Late of 4519 Commonwealth Drive, Lower Macungie Township.  
Executor: John D. Bohner, Andrew K. Bohner and William L. Bohner, Jr. c/o The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102.  
Attorneys: Tracey A. Shreve, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102.

**Halper, Marc Gilbert,** dec'd.

Late of 4546 Grubers Road, New Tripoli.  
Administratrix: Marcy Halper Wheeler, 4034 Quenita Dr., Winter Park, FL 32792.  
Attorneys: James E. Sher, Esquire, Sher & Associates, P.C., 15019 Kutztown Road, Kutztown, PA 19530.

**Hogan, Evelyn Geraldine a/k/a Evelyn G. Hogan and Evelyn Hogan,** dec'd.

Late of Upper Saucon.  
Administrator: Clifton J. Hogan, 1701 16th St. NW, Washington, DC 20009.  
Attorney: Jason R. Costanzo, Esq., 115 E. Broad St., Bethlehem, PA 18018.

**Kerschner, Brian Lee, Sr.,** dec'd.

Late of Germansville.  
Administratrix: Jenny Lynn Kerschner.  
Attorneys: Robert M. Knauer, Esquire, Knauer & Davenport, 143 North Eighth St., Allentown, PA 18101.

**McGonigle, Rock A.**, dec'd.

Late of Whitehall Twp.  
Administrator: Ryan Anthony McGonigle c/o David W. Crosson, Esq., Crosson & Richetti LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101.  
Attorneys: David W. Crosson, Esq., Crosson & Richetti LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101.

**McHugh, Marion L.**, dec'd.

Late of Allentown.  
Executor: Joseph H. McHugh c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.  
Attorneys: Tracey A. Shreve, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

**Raber, Grace J.**, dec'd.

Late of Orefield.  
Co-Executors: Bruce W. Raber and Lucille J. Schlottman c/o Noonan Law Office, 526 Walnut St., Allentown, PA 18101.  
Attorneys: Noonan Law Office, 526 Walnut St., Allentown, PA 18101.

**Ream, Mildred Louise**, dec'd.

Late of Allentown.  
Executrix: Judy Abboud, 2216 S. Lumber St., Allentown, PA 18103.

**Torbert, Donna A.**, dec'd.

Late of Allentown.  
Executrix: Kelly E. Torbert c/o Traud Law Offices, 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.  
Attorney: T. Benjamin Traud, Esq., 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

**Warren, Andrew John a/k/a Andrew J. Warren**, dec'd.

Late of Fogelsville.  
Personal Representative: Adam J. Warren c/o R. Nicholas Nanovic, Esquire, 33 S. 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.  
Attorney: R. Nicholas Nanovic, Esquire, 33 S. 7th Street, P.O. Box 4060, Allentown, PA 18105-4060.

**Yurasits, Mary a/k/a Mary A. Yurasits**, dec'd.

Late of Whitehall.  
Executrix: Sharon Urbanczuk, 5505 Chenango Drive, Bethlehem, PA 18017.

**Zarychta, Evelyn S.**, dec'd.

Late of Allentown.  
Executor: Frank J. Zarychta c/o Norris McLaughlin, P.A., 515 W. Hamilton St., Ste. 502, Allentown, PA 18101.  
Attorneys: Taylor R.D. Briggs, Esquire, Norris McLaughlin, P.A., 515 W. Hamilton St., Ste. 502, Allentown, PA 18101.

**THIRD PUBLICATION**

**Andreas, Theodora A.**, dec'd.

Late of Allentown.  
Executor: Timothy Andreas c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.  
Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

**Hardenberg, Gene L. a/k/a Gene Hardenberg**, dec'd.

Late of Allentown.  
Executor: Jonathan J. Hardenberg c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

**Heffner, Carl P.,** dec'd.

Late of Allentown.  
Executrix: Kathleen P. Heffner c/o Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106.  
Attorneys: Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106.

**Heller, Craig T.,** dec'd.

Late of Macungie.  
Executrix: Lauren Marie Konkel c/o Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106.  
Attorneys: Edward P. Sheetz, Esquire, Gardner, Racines & Sheetz, 5930 Hamilton Boulevard, Suite 106, Allentown, PA 18106.

**Jacobs, Rosanna,** dec'd.

Late of Allentown City.  
Executor: Mark I. Jacobs a/k/a Mark Israel Jacobs c/o Edward H. Butz, Esq., 1620 Pond Rd., #200, Allentown, PA 18104.  
Attorney: Edward H. Butz, Esq., Lesavoy Butz, 1620 Pond Rd., #200, Allentown, PA 18104.

**Kadingo, David R., Jr.,** dec'd.

Late of Hanover Twp.  
Executrix: Valerie Rode, 312 Cressman Drive, Allentown, PA 18104.  
Attorneys: Kylie J. Cloonan, Esq., Crosson & Richetti LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101.

**Keating, Margaret,** dec'd.

Late of Bethlehem.  
Executrix: Lisa A. Lance, 1937 Hilltop Terrace, Bethlehem, PA 18018.  
Attorney: Briana M. Gaumer, Esquire, P.O. Box 685, Emmaus, PA 18049.

**Lindenmuth, Martha P.,** dec'd.

Late of Upper Macungie Twp.  
Executrix: Judith A. Wanfried, 58 Springhouse Drive, Myerstown, PA 17067.  
Attorneys: Kylie J. Cloonan, Esq., Crosson & Richetti LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101.

**Maugle, Arlene A. a/k/a Arlene Maugle,** dec'd.

Late of Allentown.  
Executrix: Donna Milligan, 902 Main Street, Pennsburg, PA 18073.  
Attorneys: Wendy J. Ashby, Esquire, 314 West Broad Street, Suite 118, Quakertown, PA 18951.

**Peters, Bernice B.,** dec'd.

Late of Allentown.  
Administrator: David L. Peters, Jr. c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.  
Attorneys: Tracey A. Shreve, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

**Recker, Robert J.,** dec'd.

Late of Allentown.  
Executrix: Tami M. Transue c/o Traud Law Offices, 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.  
Attorney: T. Benjamin Traud, Esq., 3055 College Heights Blvd., Ste. 2A, Allentown, PA 18104.

**Saraka, Antoinette a/k/a Antoinette C. Saraka**, dec'd.

Late of Lower Macungie Twp.  
Executor: Lawrence John Saraka a/k/a Lawrence J. Saraka c/o Edward H. Butz, Esq., 1620 Pond Rd., #200, Allentown, PA 18104.

Attorneys: Edward H. Butz, Esq., Lesavoy Butz, 1620 Pond Rd., #200, Allentown, PA 18104.

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**Schmick, Ruth J.**, dec'd.

Late of Slatington.  
Executors: Tammy L. Schmick and Jeffrey L. Schmick c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080.

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**Schlosser, Angela a/k/a Angela A. Schlosser**, dec'd.

Late of Whitehall.  
Executor: Christopher Schlosser, 1741 Michael Drive, Whitehall, PA 18052.

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**Schofield, Robert A.**, dec'd.

Late of Allentown.  
Executor: Brian D. Schofield, 7326 Lochhaven Street, Allentown, PA 18106.

Attorneys: Angela Titus McEwan, Esq., Day Pitney LLP, 8 Sylvan Way, Parsippany, NJ 07054.

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**Sell, Patricia Ann**, dec'd.

Late of Macungie.  
Administratrix: Michelle L. Carl c/o Michael Ira Stump, Esq., 207 East Main Street, Suite 100, Macungie, PA 18062.

Attorney: Michael Ira Stump, Esq., 207 East Main Street, Suite 100, Macungie, PA 18062.

**Snyder, Janice M. a/k/a Janice Mary Snyder**, dec'd.

Late of Catasauqua.  
Executor: Eric Snyder, 1086 6th St., N. Catasauqua, PA 18032.

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**Stahley, Sheila A.**, dec'd.

Late of Allentown.  
Executrix: Cynthia D. Drumheller c/o Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

Attorneys: Rebecca M. Young, Esq. and Lia K. Snyder, Esq., Young & Young, 119 E. Main Street, Macungie, PA 18062.

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**Yost, Robert**, dec'd.

Late of Whitehall.  
Executrices: Wendy A. Dolan a/k/a Wendy Alice Dolan and Natalie J. Phillips a/k/a Natalie Jo Phillips c/o The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

Attorneys: Larry R. Roth, Esquire, The Roth Law Firm, P.O. Box 4355, Allentown, PA 18105.

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NOTICE OF NON-PROFIT  
INCORPORATION

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, for the purpose of incorporating a nonprofit corporation under the PA Nonprofit Corporation Law of 1988. The purpose for which it has been organized is to increase voter participation & civic engagement by organizing nonpartisan voter outreach, registration, and mobilization. Prioritizing underserved areas, to help ensure our initiatives benefit all communities. The name of the corporation is:

SAVE DEMOCRACY NOW! INC.  
John "Jack" F. Gross, Esq.  
Gross McGinley, LLP  
33 South 7th Street  
P.O. Box 4060  
Allentown, PA 18105-4060  
(610) 820-5450

F-27

TITLE SEARCH

2026-C-0004

Looking for anyone in connection with the following vehicle which has been left unattended.

Studebaker Lark 2-Door Convertible, 1961, VIN# 61V17216.

Proceedings commenced in the Court of Common Pleas of Lehigh County for the Acquisition of Certificate of Title.

The court date is scheduled for: March 20, 2026, 9:00 A.M., Courtroom 2D, Judge Anna-Kristie M. Marke, Lehigh County Courthouse, 455 West Hamilton Street, Allentown, PA 18101.

F-27

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY  
CIVIL ACTION—LAW

Civil Action Number: 2025-C-4122

PHH Asset Services LLC, by its servicer PHH Mortgage Corporation  
Plaintiff

vs.

Madia S. Doe  
Defendant

Mortgage Foreclosure Complaint

TO: Madia S. Doe

You have been sued in mortgage foreclosure on premises: 1758 Applewood Drive, Orefield, PA 18069 based on defaults since October 1, 2024. You owe \$737,742.85 plus interest.

NOTICE

If you wish to defend, you must enter a written appearance person-

ally 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 PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral and Information Service

Lehigh County Bar Association  
Lawyer Referral Service

1114 W. Walnut St.

Allentown, PA 18102

Telephone: (610) 433-7094

STERN & EISENBERG, PC

Counsel For Plaintiff

The Shops at Valley Square

1581 Main St.

Ste 200

Warrington, PA 18976

(215) 572-8111

Facsimile: (215) 572-5025

F-27

MINOR CHILD NAME CHANGE

NOTICE IS HEREBY GIVEN that on the 17th day of February, 2026, the Petition of Kimberly Lichtenwalner was filed in Lehigh County Court of Common Pleas at No. 2026-C-0660, seeking to change the name of minor child from Hope Serenity Piediscalzo to Hope Serenity Lichtenwalner.

The Court has fixed Monday, May 4, 2026 at 9:30 A.M. in Courtroom 5A at the Lehigh County Courthouse as the date for hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

F-27

LEHIGH LAW JOURNAL

IN THE COURT OF COMMON  
PLEAS OF SCHUYLKILL COUNTY,  
PENNSYLVANIA  
CIVIL ACTION

Docket No. S-694-25

RICHARD M. AND  
CANDIS L. BREDBENNER  
Plaintiffs

vs.

GEORGE A. ATIYEH  
Defendant

IMPORTANT NOTICE

TO: GEORGE A. ATIYEH

YOU HAVE BEEN SUED IN COURT. If you wish to defend against this civil action which arises from your breach of an agreement of sale for 0 Chestnut Street, Schuylkill County, PA 17961, 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 by the court 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 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.

PENNSYLVANIA BAR  
ASSOCIATION LAWYER  
REFERRAL SERVICE  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
Telephone: (800) 692-7375

NOTICE CONCERNING MEDIATION  
OF ACTIONS PENDING BEFORE  
THE COURT OF COMMON PLEAS  
OF SCHUYLKILL COUNTY

The Judges of the Court of Common Pleas of Schuylkill County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Schuylkill County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Schuylkill County Bar Association provides mediation services and can be reached at (570) 628-1235.

ALICIA E. MUIR, ESQ.  
KOZLOFF STOUDT  
2640 Westview Drive  
Wyomissing, PA 19610

F-27

CHANGE OF NAME NOTICE

In the Court of Common Pleas of  
Lehigh County

NO. 2025-C-5031

NOTICE IS HEREBY GIVEN that on December 8, 2025, the Petition of Hannah Frances Kline for a Change of Name has been filed in the above named Court, praying for a Decree to change the name of Petitioner from Hannah Frances Kline to Frances Hannah Kline.

The Court of Lehigh County Courthouse, Allentown, Pennsylvania, as the date and place for the hearing of said Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of said Petitioner should not be granted.

LEHIGH LAW JOURNAL

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Date of Hearing: March 30, 2026,  
Time of Hearing: 9:30 A.M., Court-  
room Number: 1A, Honorable J.  
Brian Johnson, Lehigh County  
Courthouse, 455 West Hamilton  
Street, Allentown, PA 18101.

F-27

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CHANGE OF NAME NOTICE

In the Court of Common Pleas of  
Lehigh County

NO. 2025-C-4824

NOTICE IS HEREBY GIVEN that  
on January 30, 2026, the Petition of  
Le'Andre Quentin Brooks for a  
Change of Name has been filed in the  
above named Court, praying for a  
Decree to change the name of Peti-  
tioner from Le'Andre Quentin Brooks  
to Le'Andre Quentin Abdul-Aleem Ali.

The Court of Lehigh County  
Courthouse, Allentown, Pennsylva-  
nia, as the date and place for the  
hearing of said Petition. All persons  
interested in the proposed change of  
name may appear and show cause,  
if any they have, why the prayer of  
said Petitioner should not be granted.

Date of Hearing: March 30, 2026,  
Time of Hearing: 9:30 A.M., Court-  
room Number: IA HIST, Honorable  
Melissa T. Pavlack, Lehigh County  
Courthouse, 455 West Hamilton  
Street, Allentown, PA 18101.

F-27

CHANGE OF NAME NOTICE

In the Court of Common Pleas of  
Lehigh County

NO. 2026-C-0697

NOTICE IS HEREBY GIVEN that  
on February 20, 2026, the Petition of  
Tiana Aleya Peters for a Change of  
Name has been filed in the above  
named Court, praying for a Decree to  
change the name of Petitioner from  
Tiana Aleya Peters to Tiana Aleya  
Nunez.

The Court of Lehigh County  
Courthouse, Allentown, Pennsylva-  
nia, as the date and place for the  
hearing of said Petition. All persons  
interested in the proposed change of  
name may appear and show cause,  
if any they have, why the prayer of  
said Petitioner should not be granted.

Date of Hearing: May 6, 2026,  
Time of Hearing: 9:30 A.M., Court-  
room Number: 5A, Honorable Mel-  
lissa T. Pavlack, Lehigh County  
Courthouse, 455 West Hamilton  
Street, Allentown, PA 18101.

F-27

**SHERIFF'S SALE  
OF VALUABLE  
REAL ESTATE**

The following Real Estate will be sold at Sheriff's Sale at 10:00 A.M.

**Friday, March 27, 2026**

*in the Courthouse, Fifth and  
Hamilton Streets, Allentown,  
Pennsylvania.*

*Purchasers Must Immediately Pay  
10% of the Purchase Price by  
Certified Check.*

TO ALL PARTIES IN INTEREST  
AND CLAIMANT:

Upon all sales where the filing of a Schedule of Distribution is required, the said Schedule will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale, and a Deed will be delivered to the PURCHASER and distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days thereafter.

On sales where the filing of a Schedule of Distribution is not required, a Deed will be delivered to the PURCHASER after the expiration of twenty (20) days from the date of sale, unless exceptions are taken to the sale within that period.

**NO. 25009780**

By virtue of a writ of execution No. 2023-C-3580, U.S. Bank Trust National Association, Not In Its Individual Capacity But Soley As Owner Trustee for RCF 2 Acquisition Trust v. Michael J. Tewold and Susan Tewold, owners of property situate in the Township of Whitehall, Lehigh County, Pennsylvania, being 3395 Oak Street, Whitehall, PA 18052.

Tax Assessment No. 54990421-8770 1.

Improvements thereon: Single-family residential dwelling.

Attorneys  
William Miller, Esq.  
Padgett Law Group

**NO. 25010004**

By virtue of a writ of execution No. 2025-C-2810, Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc. v. Jennifer Cotto, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 25 S. Ellsworth Street, Allentown, PA 18109.

Tax Assessment No. 64078333-4781 1.

Improvements thereon: Residential dwelling.

Attorneys  
Brock & Scott, PLLC

**NO. 25010074**

By virtue of a writ of execution No. 2025-C-2273, Selene Finance, LP v. Christina D. Bobbyn; Louis A. Bobbyn, Jr., owners of property situate in the Township of Heidelberg, Lehigh County, Pennsylvania, being 6233 Hunsicker Road, New Tripoli, PA 18066.

Tax Assessment No. 54398846-7902 1.

Improvements thereon: Residential dwelling.

Attorneys  
Kevin E. Cordero, Esq.  
Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC

**NO. 25010153**

By virtue of a writ of execution No. 2025-C-2206, Nationstar Mortgage LLC v. Irene M. Lewis, Individually, and in Her Capacity As Heir of Stanley E. Lewis; Nicole Lewis a/k/a Nicole Stewart, in Her Capacity As Heir Of Stanley E. Lewis; Holly Lewis, in Her Capacity As Heir of Stanley E. Lewis; Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations, Claiming Right, Title, or Interest From or Under Stanley E. Lewis, owner(s) of property situate in

the Township of Saucon, Lehigh County, Pennsylvania, being 5629 Limeport Pike, Coopersburg, PA 18036.

Tax Assessment No. 64048487-0537-1.

Improvements thereon: Residential dwelling.

Attorneys  
Danielle R. Dreier, Esq.  
Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC

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**NO. 25010380**

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By virtue of a writ of execution No. 2025-C-0297, Wilmington Savings Fund Society, FSB, As Owner Trustee of the Residential Credit Opportunities Trust VII-B v. Ezequiel Del Carmen and Rosmery Calixto, owners of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 1642 West Union Street, Allentown, PA 18102.

Tax Assessment No. 549657924-504-1.

Improvements thereon: Residential property.

Attorneys  
Jill M. Fein, Esq.  
Hill Wallack LLP

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**NO. 25010487**

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By virtue of a writ of execution No. 2025-C-3069, Wells Fargo Bank, NA s/b/m Wachovia Bank, National Association v. Visitacion N. Dwyer, a/k/a Visitacion Dwyer, Daniel D. Dwyer, a/k/a Daniel Dwyer, owners of property situate in the Township of Lower Macungie, Lehigh County, Pennsylvania, being 7219 McKee Court, Macungie, PA 18062.

Tax Assessment No. 54733416-1423 1.

Improvements thereon: Single family dwelling.

Attorneys  
Cristina L. Connor, Esq.  
MDK Legal

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**NO. 25010507**

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By virtue of a writ of execution No. 2024-C-1174, Newrez LLC d/b/a Shellpoint Mortgage Servicing v. Keith Moyer, owner of property situate in the Township of Whitehall, Lehigh County, Pennsylvania, being 5504 Lehigh Street, Whitehall, PA 18052.

Tax Assessment No. 55808124-0055-1.

Improvements thereon: Dwelling.

Attorneys  
Daniel J. Capecci  
Parker McCay PA

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**NO. 25010548**

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By virtue of a writ of execution No. 2025-C-3534, Citibank, N.A., Not in Its Individual Capacity But Solely As Owner Trustee of New Residential Mortgage Loan Trust 2019-RPL2 v. Tammie J. Laube, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 1926 South Idaho Street, Allentown, PA 18103.

Tax Assessment No. 64063116-3826-1.

Improvements thereon: Single family residential dwelling.

Attorneys  
Hladik, Onorato & Federman, LLP

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**NO. 25010647**

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By virtue of a writ of execution No. 2025-C-3572, CitiMortgage, Inc. v. Daniel Dwyer; Visitacion Dwyer, owners of property situate in the Township of Lower Macungie, Lehigh County, Pennsylvania, being 7219 McKee Court, Macungie, PA 18062.

Tax Assessment No. 54733416-1423-1.

Improvements thereon: Residential dwelling.

Attorneys  
Kevin E. Cordero, Esq.  
Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC

**NO. 25010651**

By virtue of a writ of execution No. 2025-C-2515, PHH Mortgage Corporation v. Kathleen A. Gregory, owner of property situate in the City of Bethlehem, Lehigh County, Pennsylvania, being 720 7th Avenue, Bethlehem, PA 18018.

Tax Assessment No. 64272960-1603 1.

Improvements thereon: Residential dwelling.

Attorneys  
Danielle Coleman, Esq.  
Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC

**NO. 25010678**

By virtue of a writ of execution No. 2023-C-3052, Newrez LLC d/b/a Shellpoint Mortgage Servicing v. Hameen M. Butler and Kimberly Duran, owners of property situate in the Township of Salisbury, Lehigh County, Pennsylvania, being 1620 Bobalew Trail, Allentown, PA 18103.

Tax Assessment No. 64166547-8343 1.

Improvements thereon: Dwelling.

Attorneys  
Daniel J. Capecci  
Parker McCay PA

**NO. 25010680**

By virtue of a writ of execution No. 2018-ML-2657, South Whitehall Township Authority v. Joseph F. Solenske, III and Tracey Reimert, owners of property situate in the Township of South Whitehall, Lehigh County, Pennsylvania, being 3412 Colonial Court, Allentown, PA 18104.

Tax Assessment No. 54872469-9533-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.

**NO. 25010681**

By virtue of a writ of execution No. 2024-ML-2301, South Whitehall Township v. Frederico Estrella and Sophia D. Estrella, owners of property situate in the Township of South Whitehall, Lehigh County, Pennsylvania, being 3444 Oxford Circle S, Allentown, PA 18104.

Tax Assessment No. 54872187-0463-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.

**NO. 25010682**

By virtue of a writ of execution No. 2023-ML-2215, South Whitehall Township v. Jennie Perez Lopez and Jose E. Mendoza Perez, owners of property situate in the Township of South Whitehall, Lehigh County, Pennsylvania, being 5 S Cedarbrook Road, Allentown, PA 18104.

Tax Assessment No. 54861237-1321-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.

**NO. 25010684**

By virtue of a writ of execution No. 2021-ML-2742, South Whitehall Township v. Ikhlass Adam Barka, owner of property situate in the Township of South Whitehall, Lehigh County, Pennsylvania, being 1026 N. Cedar Crest Blvd, Allentown, PA 18104.

Tax Assessment No. 54874084-3600-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.

**NO. 25010685**

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By virtue of a writ of execution No. 2018-ML-2680, South Whitehall Township v. Paula J. Hyle, owner of property situate in the Township of South Whitehall, Lehigh County, Pennsylvania, being 1603 Shenandoah Court, Allentown, PA 18104.

Tax Assessment No. 54872487-6514-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.

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**NO. 25010696**

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By virtue of a writ of execution No. 2025-C-2446, Citizens Bank, N.A. v. Ennia Perez, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 1021 South Lumber Street, Allentown, PA 18103.

Tax Assessment No. 64061588-8515-1.

Improvements thereon: Residential dwelling.

Attorneys  
McCabe, Weisberg & Conway, LLC

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**NO. 25010749**

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By virtue of a writ of execution No. 2024-C-2684, Athene Annuity And Life Company v. Linda Dunn, owner of property situate in the City of Allentown, Lehigh County, Pennsylvania, being 906 S. Front Street, Allentown, PA 18103.

Tax Assessment No. 64066705-6773-1.

Improvements thereon: Single family residential dwelling.

Attorneys  
Hladik, Onorato & Federman, LLP

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**NO. 25010764**

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By virtue of a writ of execution No. 2024-ML-1658, Borough of Emmaus v. Christopher M. Marks, owner of property situate in the Borough of Emmaus, Lehigh County, Pennsylvania, being 440 S. 5th Street, Emmaus, PA 18049.

Tax Assessment No. 54946385-0090-1.

Improvements thereon: Single family.

Attorneys  
Portnoff Law Associates, Ltd.  
JOSEPH N. HANNA  
Sheriff of Lehigh County, PA  
Samuel E. Cohen  
County Solicitor

F-27; M-6, 13



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## PERIODICAL PUBLICATION

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### THE COURT

The Hon. Douglas G. Reichley, President Judge  
The Hon. Robert L. Steinberg, Judge  
The Hon. J. Brian Johnson, Judge  
The Hon. James T. Anthony, Judge  
The Hon. Melissa T. Pavlack, Judge  
The Hon. Anna-Kristie M. Marks, Judge  
The Hon. Thomas M. Caffrey, Judge  
The Hon. Thomas A. Capehart, Judge  
The Hon. Zachary J. Cohen, Judge  
The Hon. Mark B. Stanzola, Judge  
  
The Hon. Carol K. McGinley, Senior Judge  
The Hon. Michele A. Varricchio, Senior Judge

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