

LYCOMING REPORTER

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The full text of the following Lycoming County Court opinions is reported at www.lycolaw.org/cases/search.asp

► **Getting vs. Mark Sales and Leasing, Inc. and Barger (02/12/2021)**

—Judge Eric R. Linhardt

Civil: Post-trial motions; motion for judgment N.O.V.; waiver of issues not briefed; motion for new trial for verdict against the weight of the evidence; court's authority to upset a verdict; verdict so contrary to evidence as to shock one's sense of justice; jury's evaluation of evidence of contributory evidence of failing to read warning labels; sufficiency of evidence supporting consortium claim; propriety of court's refusal to grant mistrial because defendant did not appear at trial due to fear of exposure to COVID-19; appropriateness of court instructions to jury on absence of defendant from courtroom; court's mitigation of health risks in courtroom; constitutional right to appear at trial; waiver of objections to closing statement due to failure to object; deficient jury instructions; admissibility of old crimen falsi convictions to attack credibility of party where credibility is crucial issue in case; pattern of dishonest behavior; consideration of potential prejudice; manifestly excessive award; motion for remittitur; manifestly excessive verdict; sufficiency of evidence to support verdict; leave to submit supplemental reasons after trial is transcribed. (getting021221L1) (Posted: February 13, 2021)

► **Getting vs. Mark Sales and Leasing, Inc. and Barger (02/12/2021)**

—Judge Eric R. Linhardt

Civil: Motion to mold verdict to correct the name of party; timeliness; making record in accord with clear intention of jury; delay damages; loss of consortium damages in calculation; inclusion of time during which time calculations were suspended due to COVID-19; reduction of delay damages due to circumstances beyond the control of either party. (Mark02122021L.pdf) (Posted: February 13, 2021)

- ▶ **Commonwealth vs. Etumnu** (02/10/2021)—Judge Marc F. Lovecchio
Criminal: Suppression motion; probable cause for search of residence; sufficiency of affidavit of probable cause for search warrant; reliance on uncorroborated hearsay of an unidentified informant; corroboration of credibility of confidential source; right to challenge omissions in affidavit of probable cause; conclusory attack on affidavit of probable cause. (Etumnu021021L) (Posted: February 10, 2021)
- ▶ **Commonwealth vs. Moore** (02/04/2021)—Judge Nancy L. Butts
Criminal: Habeas corpus petition; prima facie case of possession of firearm; constructive possession of weapon found under passenger seat; totality of circumstances; circumstantial evidence; suppression motion; reasonable suspicion to ask defendant to exit vehicle for pat-down search; plainly visible firearm; disproportionately nervous passenger during routine traffic stop. (Moore020421bt) (Posted: February 10, 2021)

Legal Aid Attorney and Paralegal Openings— Medical Legal Partnership Office

North Penn Legal Services has immediate openings for an attorney and a paralegal to be part of the Williamsport staff but working at River Valley Health and Dental Center as a medical-legal partnership attorney. A medical-legal partnership allows medical providers to refer patients with health-harming legal needs to an advocate located at the medical facility.

Contact HR@northpennlegal.org for a review of the benefits and loan repayment programs available to staff attorneys. For more job details go to www.northpennlegal.org/about/careers.

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Project Linus Blanket Collection

Project Linus is an organization made up of volunteers who provide love, security, warmth and comfort to children who are seriously ill, traumatized or otherwise in need of a blanket to snuggle.

LYCOMING
LAW ASSOCIATION



The YLD Committee of the Lycoming Law Association will be collecting homemade blankets (also blanket-making supplies, materials and no-sew blanket kits) until March 15, 2021.

Donations made to this collection are earmarked to benefit Lycoming County Children and Youth Services and local children in the Susquehanna Valley Court Appointed Special Advocates program.

Project
♥ **Linus**

*Providing Security
Through Blankets*

Blankets and materials can be dropped off or mailed to:

LLA Office at 25 West Third Street, Suite 803, Williamsport, PA
Mitchell Gallagher, PC at 10 West Third Street, Williamsport, PA

Questions, should be directed to Jessica Harlow at jharlow@mitchellgallagher.com

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**Bartholomew, Jack A.,** dec'd.

Late of South Williamsport.
The Jack A. Bartholomew Protector Trust, dated February 10, 2011, the Jack A. Bartholomew Real Estate Protector Trust, dated February 10, 2011 and the Jack A. Bartholomew Income Only Protector Trust, dated April 8, 2014.
Settlor: Jack A. Bartholomew.
Executor/Trustee: Bridge K. Bartholomew.
Attorneys: Brittany O. L. Smith, Esquire, Steinbacher, Goodall & Yurchak, 413 Washington Boulevard, Williamsport, PA 17701.

Confer, Kevin L., dec'd.

Late of Salladasburg.
Administrator: Sandra Confer, 8475 West State Route 973, Jersey Shore, PA 17740.

Dickerson, James Earvin, dec'd.

Late of Williamsport.
Administrator: Scott A. Williams, 668 Lake Road, Laporte, PA 18626.
Attorney: Scott A. Williams, Esquire, 57 East Fourth Street, Williamsport, PA 17701.

Frick, William F., dec'd.

Late of Muncy Borough.
Executrix: Polly A. Reynolds c/o Allen K. Neyhard, J.D., P.C., 116 West Tenth Street, Watsonstown, PA 17777.
Attorneys: Allen K. Neyhard, J.D., P.C., 116 West Tenth Street, Watsonstown, PA 17777.

Lewandowski, Doris M., dec'd.

Late of Montoursville.
Executrix: Kathleen Borch, 347 Warren Street, Montoursville, PA 17754.
Attorney: David C. Raker, Esquire, 322 Court Street, Williamsport, PA 17701.

Mitcheltree, Donna L., dec'd.

Late of Williamsport.
Administrator: Debra D. Praster, 2351 Linn Street, Williamsport, PA 17701.

Staiman, Marvin H., dec'd.

Late of the City of Williamsport.
Marvin H. Staiman and the Marvin H. Staiman Living Trust, dated December 21, 2020, and any amendments thereto.
Settlor: Marvin H. Staiman.
Executor/Trustee: Woodlands Bank, 2450 East Third Street, Williamsport, PA 17701.
Attorneys: J. Michael Wiley, Esquire and Elizabeth A. White, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Staiman, Marvin H., dec'd.**Staiman, Jean R.,** dec'd.

Late of the City of Williamsport.
Marvin H. and Jean R. Staiman Living Trust dated March 12, 2013, and Restated on September 27, 2018, and any amendments thereto.
Settlors: Marvin H. Staiman and Jean R. Staiman.

Co-Trustees: Woodlands Bank, 2450 East Third Street, Williamsport, PA 17701 and Richard Staiman c/o McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Attorneys: J. Michael Wiley, Esquire and Elizabeth A. White, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Staiman, Marvin H., dec'd.

Staiman, Jean R., dec'd.

Late of the City of Williamsport. The Marvin H. and Jean R. Staiman Primary Residence Protector Trust dated March 12, 2013, and any amendments thereto, and the Marvin H. and Jean R. Staiman Income Only Protector Trust dated March 12, 2013, and any amendments thereto.

Trustee: Richard Staiman c/o McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Attorneys: J. Michael Wiley, Esquire and Elizabeth A. White, Esquire, McCormick Law Firm, 835 West Fourth Street, Williamsport, PA 17701.

Sodergren, Albert L., Jr., dec'd.

Late of the Borough of South Williamsport.

Executor: Edward T. Coolidge, 740 S. Howard Street, S. Williamsport, PA 17702.

Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

Waggett, Mildred R., dec'd.

Late of Loyalsock Township.

Executor: Woodlands Bank Trust and Investment Services c/o Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

Attorneys: Matthew J. Parker, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

SECOND PUBLICATION

Brass, Stanley O., dec'd.

Late of Cogan Station.

Executrix: Ellen Brass, 480 State Route 973 W, Cogan Station, PA 17728.

Attorneys: Thomas A. Burkhart, Esquire, Murphy, Butterfield & Holland, P.C., 442 William Street, Williamsport, PA 17701.

Buttorff, Isabel F., dec'd.

Late of South Williamsport.

Executrix: Rosemarie Confer, 1034 Rural Avenue, Williamsport, PA 17701.

Attorneys: Joseph F. Orso, III, Esquire, Rudinski, Orso & Lynch, P.C., 339 Market Street, Williamsport, PA 17701, (570) 321-8090.

Caldera, Evelyn A., dec'd.

Late of the Borough of South Williamsport.

Executor: Michael E. Caldera, 2500 Heshbon Road, Williamsport, PA 17701.

Attorney: Paul A. Roman, Esquire, 1700 Four Mile Drive, Williamsport, PA 17701.

Evancho, Pauline S., dec'd.

Late of the Borough of Jersey Shore.

Executrix: Susan H. Shuman, 6045 Timberlyn Drive, Dover, PA 17315.

Attorneys: Dale A. Tice, Esquire, Carpenter, Harris & Flayhart, 128 S. Main St., P.O. Box 505, Jersey Shore, PA 17740.

Heinlen, Jane M., dec'd.

Late of Montoursville.

Administrator: Lon Pepperman, 5434 Newark Rd., Mt. Vernon, OH 43050.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Land, Barbara E., dec'd.

Late of 129 Heatherbrooke Estates, Muncy.

Executor: David L. Fry, 90 VanHorn Boulevard, Muncy, PA 17756.

Attorney: J. Howard Langdon, Esquire, 3 South Main Street, Muncy, PA 17756.

Schwartz, Ruth N., dec'd.

Late of Montoursville.

Executrix: Arlene S. Smithgall, 225 N. Montour St., Montoursville, PA 17754.

Attorneys: Stephen C. Sholder, Esquire, Raup & Sholder, P.C., 445 Elmira Street, Williamsport, PA 17701, (570) 321-0709.

Stabley, Dennis M., dec'd.

Late of Jersey Shore.

Executors: Mark Stabley, 341 Whyne Road, Jersey Shore, PA 17740 and Eric Stabley, 439 S. Rte. 44 Highway, Jersey Shore, PA 17740.

Attorney: Leroy H. Keiler, III, Esquire, 110 Oliver Street, Ste. 2, P.O. Box 263, Jersey Shore, PA 17740, (570) 398-2750.

Van Buskirk, John H., Jr. a/k/a John Harvey Van Buskirk, Jr. a/k/a John H. Van Buskirk, dec'd.

Late of Hughesville.

Administrator c.t.a.: Ruth V. Fry, 132 Woodbine Road, Hughesville, PA 17737.

Attorneys: Layne R. Oden, Esquire, Layne R. Oden, Attorney and Counselor at Law, P.C., Nine South Main Street, Muncy, PA 17756.

THIRD PUBLICATION

Caruso, Claudia A., dec'd.

Late of Loyalsock Township.

Executor: John P. Caruso c/o Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

Attorneys: Daniel K. Mathers, Esquire, Mathers Law Firm, PC, 416 Pine St., Ste. 308, Williamsport, PA 17701.

Funk, John C., Jr., dec'd.

Late of Williamsport.

Executrix: Karen A. Glas, 2449 FM 1563, Wolfe City, TX 75496.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Gregar, Joyce C. a/k/a Joyce Gregar, dec'd.

Late of 1733 Route 220 Highway, Pennsdale.

Executrix: Kathleen M. Sauerwein, 1709 Route 220 Highway, Pennsdale, PA 17756.

Attorney: John P. Pietrovito, Esquire, 3 South Main Street, Muncy, PA 17756.

Hanna, David A., dec'd.

Late of Cogan Station.

Executrix: Stephanie J. Hanna, 1035 Beach Drive, Cogan Station, PA 17728.

Attorney: Richard G. Scheib, Esquire, 11 Reitz Blvd., Suite 102, Lewisburg, PA 17837-9293.

Metzger, Florence E., dec'd.

Late of Loyalsock Township.

Executrix: Lyneah M. Hudock, 450 Reade Drive, Cogan Station, PA 17728.

Attorneys: McNerney, Page, Vanderlin & Hall, 433 Market Street, Williamsport, PA 17701.

Minkin, Rona L., dec'd.

Late of Williamsport Borough.

Executor: Joshua M. Bercu.

Attorneys: Andrew S. Rusniak, Esquire, McNees Wallace & Nurick, LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601-3057.

Shaner, Viola M., dec'd.

Late of Franklin Township.
Executrix: Cindy L. Hall, 794 Edkin Hill Road, Muncy Valley, PA 17758.
Attorneys: Thomas D. Hess, Esquire, Hess and Hess, P.C., 30 South Main Street, Hughesville, PA 17737.

Spuler, Elizabeth J., dec'd.

Late of Montoursville.
Executor: Citizens & Northern Bank Trust & Financial Management Group c/o Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.
Attorneys: Tammy A. Weber, Esquire, Marshall, Parker & Weber, LLC, 49 E. Fourth Street, Suite 105, Williamsport, PA 17701.

Strouble, Edna R., dec'd.

Late of the Borough of Montoursville.
Executrix: Deanna L. Strouble, 113 Laubacher Road, Montoursville, PA 17754.
Attorney: Andrea B. Bower, Esquire, 426 Broad Street, Montoursville, PA 17754.

DISSOLUTION OF CORPORATION

NOTICE OF DISSOLUTION
PURSUANT TO THE
PENNSYLVANIA BUSINESS
CORPORATION LAW OF 1988, AS
AMENDED, §1975

NOTICE OF DISSOLUTION TO
CREDITORS OF AND CLAIMANTS
AGAINST CAPSTAN, INC.

NOTICE IS HEREBY GIVEN that Capstan, Inc., a Pennsylvania close corporation, formerly doing business at 3681 Nichols Run Road, Jersey Shore, PA 17740, is being dissolved and is now engaged in winding up proceedings so that its corporate existence shall be ended pursuant to Section 1975(b) of the Pennsylvania Business Corporation Law of 1988, as amended. Please direct any inquiries to:

DOUGLAS C. LOVISCKY, ESQUIRE
LOVISCKY & ASSOCIATES
1500 West College Avenue
State College, PA 16801
(814) 231-1391

F-19

NOTICE IS HEREBY GIVEN, pursuant to 15 Pa. C.S. §5975(b), that the Board of Directors of West House, Inc., a Pennsylvania nonprofit corporation whose mailing address is 616 West Edwin Street, Williamsport, Pennsylvania 17701, has unanimously approved the corporation's voluntary dissolution and the winding up of its affairs in the manner prescribed in 15 Pa. C.S. §5975(c).

All persons having claims or demands against the corporation shall make them known, and all persons indebted to the corporation shall remit payment, without delay, to the corporation's attorneys named below.

PETER G. FACEY, ESQUIRE
McNERNEY, PAGE, VANDERLIN
& HALL
433 Market Street
Williamsport, PA 17701

F-19

SERVICE BY PUBLICATION

TO: Samantha Myers, Address Unknown
A petition has been filed asking the Court to put an end to all rights you have to your child N.E., born July 24, 2019, biological child of Samantha

Myers. The Court has set a hearing to consider ending your rights to your child. That hearing will be held on April 8, 2021 at 1:00 P.M. at the Lackawanna County Family Court Center, First Floor, 123 Wyoming Avenue, Scranton, PA 18503. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer.

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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northern Pennsylvania Legal
Services, Inc.
33 North Main Street
Suite 200
Pittston, PA 18640

F-19, 26; M-5

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PERIODICAL PUBLICATION

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