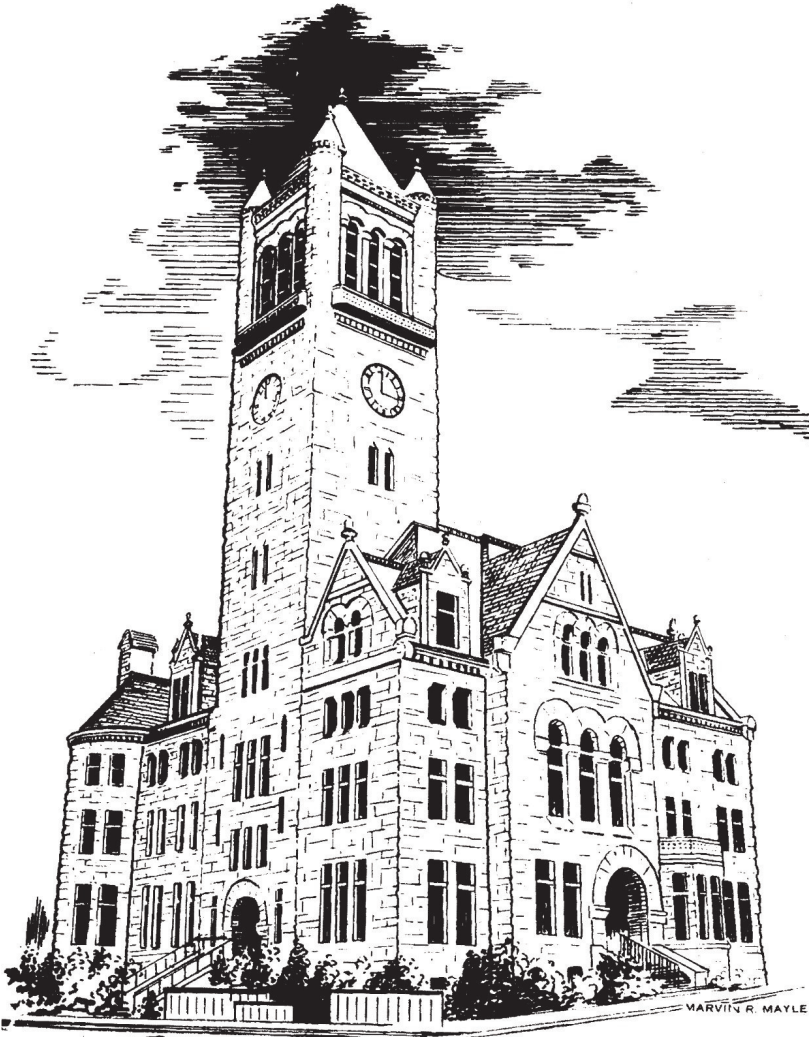


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

JANET E. BRASUK, late of North Union Township, Fayette County, PA (3)

Executor: John H. Brasuk
1143 Monumental Road,
Fairmont, WV 26554

Attorney: Glenn H. Gillette Thomson
Rhodes & Cowie, P.C.
1010 Two Chatham Center
Pittsburgh, PA 15219

EDWARD N. CARLETON, late of Bullskin Township, Fayette County, PA (3)

Administratrix: Charlene Carleton
c/o 312 2nd Avenue
Carnegie, PA 15106
Attorney: Philip H. Rubenstein

FRANCES GRIFFITH, A/K/A FRANCES D. GRIFFITH, late of Bullskin Township, Fayette County, PA (3)

Executor: Richard D. Griffith
Attorney: David G. Petonic
314 C Porter Avenue
Scottsdale, PA 15683

HELEN FRANCES KOVACIC, late of Redstone Township, Fayette County, PA (3)

Executrix: Rose Ann Kovacic
c/o 2 West Main Street, Suite 501
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

NORMA C. RIEFER, A/K/A NORMA CECELIA RIEFER, late of Redstone Township, Fayette County, PA (3)

Personal Representative: James T. Davis
c/o Davis & Davis 107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

MARTHA YOCUM, A/K/A MARTHA G. YOCUM, late of North Union Township, Fayette County, PA (3)

Co-Executors: James R. Yocum and
Harriet E. Michniak
c/o HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

Second Publication

REGINA D. CARLETTO, late of Connellsville, Fayette County, PA (2)

Executrix: Monica Ann Carletto
819 Brice Road
Rockville, MD 20852
Attorney: Emilie J. Cupp, Esquire
2 West Main Street, Suite 517
Uniontown, PA 15401-3403

DON A. CROTHERS, A/K/A DONALD A. CROTHERS, A/K/A DONALD ANTHONY CROTHERS, late of Smithfield Township, Fayette County, PA (2)

Executor: Raymond A. Crothers
1138 Vista Hill Road
Canonsburg, PA 15317
Attorney: George E. Anthou
132 Greenside Avenue
Canonsburg, PA 15317

DAVID A. DIPIETRO, late of South Union Township, Fayette County, PA (2)

Administratrix: Shauna DiPietro
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: Ralph K. Barclay, Jr.

DONNA M. DUNAY, late of Perry Township,
Fayette County, PA (2)

Administrator: Thomas S. Dunay
1147 State Route 136
Belle Vernon, PA 15012
Attorney: Emilie J. Cupp, Esquire
2 West Main Street, Suite 517
Uniontown, PA 15401-3403

ANNA S. FISHER, A/K/A ANN S. FISHER,
late of Menallen Township, Fayette County, PA

Executor: Keith Allen Fisher (2)
c/o 96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

ALVIN H. GUYNN, late of Dunbar Township,
Fayette County, PA (2)

Executrix: Nardella J. Groomes
468 Narrows Road
Connellsville, PA 15425
Attorney: Milton V. Munk, Jr.
450 West Main Street
Mount Pleasant, PA 15666

ELERA DELLA JOHNSON, late
of Connellsville, Fayette County, PA (2)

Personal Representative: Earl B. Johnson
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

**BETTY J. MCGEE, A/K/A BETTY JEAN
MCGEE**, late of North Union Township,
Fayette County, PA (2)

Personal Representative: Teri R. Cornish
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

**ROBERT C. PASTORIUS, JR., A/K/A
ROBERT CHARLES PASTORIUS, JR.**, late
of Uniontown, Fayette County, PA (2)

Administratrix: Rachel P. Medlock
537 Green Street
Brownsville, PA 15417
Attorney: Emilie J. Cupp, Esquire
2 West Main Street, Suite 517
Uniontown, PA 15401-3403

JEANA MARIE SCOTT, late of Grindstone,
Fayette County, PA (2)

Personal Representative: Lorelei Scott
209 Morgan Street
P.O. Box 114
Newell, PA 15466
Attorney: James T. Tallman
2605 Nicholson Road, Suite 2203
Sewickley, PA 15143

ERIK YANNITELLI, late of Farmington,
Fayette County, PA (2)

Administrator: James Yannitelli
944 Rose Street
Irvena, PA 16656
Attorney: Virginia Shenkan
2712 Carlisle Street
New Castle, PA 16105

First Publication

JEFFREY M. CONNELL, SR., late of Dunbar
Township, Fayette County, PA (1)

Administratrix: Christina Connell
c/o PNC Bank Building
120 Rear West Crawford Avenue
Connellsville, Pa 15425
Attorney: Carolyn W. Maricondi

JOHN C. CROUSER, late of Connellsville
Township, Fayette County, PA (1)

Personal Representative: Terry L. Blaine
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

**BETTY JANE DURKA, A/K/A BETTY J.
DURKA**, late of Mt. Pleasant, Fayette County, PA

Executor: Thaddeus A. Durka, Jr. (1)
c/o Radcliffe & DeHaas
2 West Main Street, Suite 700
Uniontown, PA 15401
Attorney: William M. Radcliffe

HELEN PEARL JONES, HELEN PEARL HAGGERTY JONES, HELEN P. HAGGERTY, HELEN P. JONES, HELEN P. MECKES, HELEN JONES, late

of Connellsville, Fayette County, PA (1)

Personal Representative:

Susan Hazel Thompson

306 Rockridge Road

Connellsville, PA 15425

Attorney: John K. Greiner

120 South Third Street

Connellsville, PA 15425

98 Main Street

Smithfield, PA 15478

DALE SHAFFER, late of North Union Township, Fayette County, PA (1)

Executor: Denise J. Shaffer

c/o 556 Morgantown Road

Uniontown, PA 15401

Attorney: John A. Kopas III

FRANCINE OHLER, late of Connellsville, Fayette County, PA (1)

Executrix: Loretta Knopsnyder

229 E. South Street

Connellsville, PA 15425

Executor: Chris R. Ohler

643 Spruce Hollow Road

White, PA 15490

Attorney: Margaret Zylka House

815 A Memorial Boulevard

Connellsville, PA 15425

IRENE SMITH, late of Nicholson Township, Fayette County, PA (1)

Personal Representative: Diane Patterson

c/o 92 East Main Street, Suite 20

Uniontown, PA 15401

Attorney: Benjamin Goodwin

JOSEPHINE OZANICH, late of South Union Township, Fayette County, PA (1)

Executor: MARY ANN KROPILAK

c/o 556 MORGANTOWN ROAD

UNIONTOWN, PA 15401

Attorney: John A. Kopas III

MILLICENT RULLI, A/K/A MILLICENT M. RULLI, late of South Connellsville, Fayette County, PA (1)

Executrix: Diana (Means) Bigam

P.O. Box 41

Normalville, PA 15469

Attorney: John K. Greiner

Tremba, Kinney, Greiner & Kerr, LLC

120 South Third Street

Connellsville, PA 15425

DOROTHY J. RIEDMANN, A/K/A DOROTHY JEAN RIEDMANN, late of Smithfield, Fayette County, PA (1)

Executor: Edward Matthew Riedmann, Jr.

103 High House Street

Smithfield, PA 15478

Attorney: Douglas S. Sholtis

LEGAL NOTICES

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 5th day of October, 2015, to obtain a Certificate of Incorporation of a business corporation which was organized under the Pennsylvania Business Corporation Law of 1988. The corporation's name is: **Internal Medicine Associates of Connellsville, LLC**, with a purpose to engage in any lawful acts for which corporations may be incorporated under the Business Corporation Law.

Kim Ross Houser
Mears, Smith, Houser & Boyle, P.C.
Attorneys at Law
127 North Main Street
Greensburg, PA 15601-2403
(724) 832-8700

NOTICE OF BANKRUPTCY SALE

CASE NAME: Ray G. Anthony
CASE NUMBER: 10-26552-TPA

PROPERTY TO BE SOLD:

Six Lots of Real Property in Allegheny County Identified by the Following Parcel Numbers: 659-P-10, 766-B-80, 766-B-99, 766-B-120, 766-G-1, and 766-L-260.

Three Lots of Real Property in Fayette County Identified by the Following Parcel Numbers: 15-28-0041, 34-19-0030, and 30-23-0127.

ALL PROPERTIES WILL BE SOLD AS A SINGLE LOT.

DATE OF SALE HEARING: 12/18/15

MORE INFORMATION can be obtained by visiting www.pawb.uscourts.gov/electronic-access-sales-information-easi or contacting Robert Shearer, Trustee, 5703 Brewster Lane, Erie, PA 16505 (814) 520-5106

JUDICIAL OPINION

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

LAURIE A. JOSEPH,	:	
Plaintiff,	:	
v.	:	
JOHN B. O’LAUGHLIN,	:	NO. 1691 OF 2015, G.D.
Defendant.	:	JUDGE JOSEPH M. GEORGE, JR.

ATTORNEYS AND LAW FIRMS

Richard E. Bower, Esquire, For the Plaintiff

Melinda Dellarose, Esquire, Davis & Davis, For the Defendant

OPINION AND ORDER

GEORGE, J.

September 30, 2015

This matter comes before the Court on a Motion for Preliminary/Permanent Injunction filed by the plaintiff on August 24th, 2015. This Court entered a Preliminary Injunction on August 27th, 2015. Upon consideration of the testimony at the hearing before the Court on September 24th, 2015, we will grant the Motion for a Permanent Injunction.

The relevant facts are as follows:

On December 23rd, 2014, the parties entered into an Asset Transfer Agreement (Plaintiff’s Exhibit “A”) for the purchase price of Seven Hundred and Fifty Thousand (\$750,000.00) dollars. Paragraph 3 of said Agreement provides as follows:

Seller acknowledges and agrees that he will not be involved in any of the following activities at any location within fifty (50) miles of the veterinary clinic (“Geographic Area”). Seller covenants and agrees that for a period of five (5) years following the execution of this Agreement, he shall not directly or indirectly, as an employer, employee, principal, agent, consultant, partner, stockholder, creditor or in any other capacity, engage or participate in any business or practice within the Geographic Area that is in competition in any manner whatsoever with the Buyer. Further, Seller shall not contact, solicit, or engage in any activity to contact or solicit, indirectly or directly, any client, past, present, or future, during the five (5) year period.

Defendant, a licensed veterinarian in Pennsylvania, is the owner of certain real estate located in Upper Tyrone Township, Fayette County, Pennsylvania (Plaintiff’s Exhibit “E”). On July 2nd, 2015, the Fayette County Zoning Hearing Board received a Petition for Special Exception filed by the Defendant indicating that he wishes to use this property as a veterinary clinic (Plaintiff’s Exhibit “F”). Said property is identified as Fayette County Tax Map I.D. Number of 39-06-0003, having an address of 114 Eannotti Road, Dawson, PA.

Defendant testified at the time of the hearing that he created a limited liability company for “O’Laughlin Veterinary Services” and purchased equipment. Defendant further testified regarding a Facebook page having the name of “O’Laughlin Veterinary Services” and a link on

said page which states “Coming Soon”. Defendant took these actions in either July or August of 2015.

Plaintiff testified that she located the aforementioned Facebook page. Plaintiff chose the option for “Coming Soon” and was directed to an internet mapping page. Upon entering Plaintiff’s address she was then directed to Eannotti Road, with an estimated distance of between 7.6 and 9 miles. (Plaintiff’s Exhibits “H” and “I”)

To prevail in a claim for a permanent injunction, the plaintiff must prove a “clear right to relief.” *Buffalo Township v. Jones*, 571 Pa. 637, 644, 813 A.2d 659, 663 (2002), cert. denied, 540 U.S. 821, 124 S.Ct. 134, 157 L.Ed.2d 41 (2003). The injury claimed must be one that cannot be compensated by an award of damages. *Peugeot Motors of America, Inc. v. Stout*, 310 Pa. Super. 412, 456 A.2d 1002, 1008-09 (1983). However, in contrast to a preliminary injunction, a permanent injunction does not require a showing of irreparable harm or the need for immediate relief. *Buffalo Township*, supra at 644, 813 A.2d at 663. Rather, the plaintiff must show that an actual and substantial injury has occurred and/or is threatened in the future. *Peugeot Motors*, supra at 1008. (Emphasis Added) As our Supreme Court has summarized, a permanent injunction is appropriately awarded “to prevent a legal wrong for which there is no adequate redress at law.” *Buffalo Township*, supra at 644, 813 A.2d at 663 (quoting *Soja v. Factoryville Sportsmen’s Club*, 361 Pa. Super. 473, 522 A.2d 1129, 1131 (1987)).

Defendant contends that he is merely preparing to compete and is not in direct or indirect competition with the Plaintiff at the present time. However, the Defendant, with more than four (4) years left until the expiration of the non-compete clause has:

1. Created a limited liability company with the name “O’Laughlin Veterinary Services”;
2. Purchased Equipment;
3. Created, or had created on his behalf, a Facebook page with the name “O’Laughlin Veterinary Services”;
4. Indicated on the Facebook page that the clinic was “Coming Soon”;
5. Applied for a special exception permit;
6. Stated that the intended use of his property was for a “veterinary clinic”;
7. Proposes to utilize said veterinary clinic less than nine (9) miles from Grace Veterinary Clinic, well within the fifty (50) mile prohibited radius.

In light of the foregoing, the Court draws a reasonable inference that the defendant is preparing to violate the non-compete agreement.

The Court also took into consideration *Atkinson & Mullen Travel, Inc., et al. v. O’Brien, et al.* 2944 EDA 2012, unpublished memorandum (Pa. Super. May 5, 2014). In *Atkinson*, the Trial Court granted a permanent injunction against the defendants, enjoining the defendants from pursuing any further litigation against plaintiffs which in any way arises from or relates to a previously fully and finally litigated matter. Defendants argued that there was no legal action presently pending and any future legal action, even if improper, could be compensated by damages. The Superior Court held “if, by noting that no action is presently pending, appellants wish to imply that future litigation is unlikely, we find it improbable”. The Superior Court further held plaintiff does not need to show a need for immediate relief and cited *Peugeot Motors* to support the position that the plaintiff must show that an actual and substantial injury has occurred and/or is threatened in the future. We likewise find it improbable that the defendant took all of the aforementioned actions so that he could be ready to compete on December 24th, 2019, and not before.

Accordingly, as in Peugeot and Atkinson, we find that the plaintiff has shown a clear right to relief and that an actual and substantial injury is threatened in the future.

Wherefore, we will enter the following:

ORDER

AND NOW, this 30th day of September, 2015, upon consideration of the Motion for Preliminary/Permanent Injunction, it is hereby ORDERED and DECREED that the Request for a PERMANENT INJUNCTION is hereby GRANTED.

It is further ORDERED and DIRECTED:

- a) The Defendant is prohibited from operating a veterinary clinic within the fifty (50) mile radius of the clinic operated by the Plaintiff as agreed upon by the Defendant in the Asset Transfer Agreement dated December 23rd, 2014;
- b) The Defendant is ORDERED to cease and desist his operations at the location at 114 Eannotti Road, Dawson, Fayette County, PA 15428, map number 39-06-0003;
- c) The hearing before the Fayette County Zoning Board on the Defendant's Petition for Special Exception previously scheduled for August 26th, 2015 at 10:00 a.m. is CANCELLED and the Defendant's Petition for a Special Exception at Case ZHB15-41 is DISMISSED;
- d) The Defendant is enjoined from engaging in any activity that would violate the Asset Transfer Agreement dated December 23rd, 2014; and
- e) This Order shall remain in full force and effect until such time as this Court specifically orders otherwise.

BY THE COURT:
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:
PROTHONOTARY

LUNCH AND LEARN**Special Needs Planning in Pennsylvania**

This CLE seminar will clarify the intended function of special needs planning and review several circumstances in which special needs planning could prove beneficial to clients and their families. Additionally, this CLE seminar will examine the tools that attorneys may use in effectuating special needs planning strategies. Finally, this CLE will include a discussion of practical tips and potential pitfalls related to special needs planning for clients in Pennsylvania.

Presented by: Tim Witt, Esquire
Watson Mundorff Brooks & Sepic, LLP

Tuesday, December 15, 2015
1 Substantive CLE Credit
12:00 - 1:00 p.m.
\$30.00 registration fee
Uniontown Country Club

CLE sponsored by STC Trust & Investment Management**

Lisa M. Bittner,
Vice President & Business
Development Manager

**11:30 a.m.

Meet the Sponsor
Lunch provided by
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RSVP to Cindy at the Fayette County Bar Association
724-437-7994 or cindy@fcbbar.org

MEMBERSHIP MEETING

The Fayette County Bar Association will hold its annual membership meeting on Friday, December 18, 2015 at noon at the Corporate Training Center, 2 West Main Street, Uniontown, Fayette County, Pennsylvania 15401.

Committee chairpersons are encouraged to attend and report to the membership on committee activities.

A pizza lunch will be served.

Please email or call Cindy at the bar association office to confirm your attendance.

Cindy at the Fayette County Bar Association
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