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Chester County Law Reporter

(USPS 102-900)

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Arias v. Sousa

Special relief regarding custody – Special Immigrant Juvenile Status

1. There is no provision in our statutes or rules that address special relief for an effort to obtain lawful Special Immigrant Juvenile Status (SIJS).
2. Special relief is limited to temporary orders affecting custody.
3. The law does not permit this court to grant a final custody order as a form of special relief.
4. This court has no jurisdiction over immigration matters, which are the province of the federal government; however, the federal government has thrust upon state courts the responsibility to make findings of fact and issue an order in dependency and custodial matters which, under certain circumstances, may allow an individual to be eligible for SIJS.
5. The federal government defines a Special Immigrant Juvenile as an immigrant who is present in the United States (a) who has been declared dependent in a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law; (b) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence.
6. The regulations of the United States Citizenship and Immigration Service require that a juvenile court make a judicial determination related to the child's custodial placement or dependency in accordance with state law, that either declares the child dependent upon the juvenile court, or legally commits to or places the child under the custody of an agency or department of the Commonwealth, or an individual or entity appointed by a state or juvenile court.
7. In order to be SIJS eligible, the child needs to obtain an order of dependency from a state juvenile court. The order may not be sought primarily for purposes of obtaining lawful immigration status.
8. Not all courts having jurisdiction over juveniles under state law may be acting as juvenile courts for the purposes of SIJS classification. For example, a court of general jurisdiction that issues an order with SIJ-related findings outside of any juvenile custody or dependency proceeding would generally not be acting as a juvenile court for SIJ purposes.
9. In Pennsylvania, a juvenile is defined as a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation

- prior to termination of juvenile court supervision.
10. In Pennsylvania, a child may only be found dependent when he or she is without proper parental care or control necessary for physical, mental, or emotional health. Whether a child is lacking proper parental care and control encompasses two discreet questions: (a) is the child at this moment without proper parental care or control? and (b) if so, is such care and control immediately available? These determinations must be based on clear and convincing evidence.
 11. Plaintiff seeks special relief to include a final custody order with regard to her son and specific findings of fact that would permit him to seek SIJS and the benefits attendant thereto. There is no evidentiary record upon which the child in the instant case could be found dependent. Further, he is also not a juvenile as defined by Pennsylvania law. There is no emergency or other circumstance present, which warrants special relief in this case. There is no evidence of record that the child faces an imminent threat nor that there would be a change in circumstance in the absence of special relief. Mother seeks to have this court issue its custody order using language specific to dependency and juvenile court proceedings. It is clear to the court that Mother seeks an order, with specific findings of fact, primarily for the purpose of obtaining lawful SIJS for her son. Such an order could be used to induce a federal agency or court, reviewing the child's application for SIJS, to rely on that order. This Court will not grant relief that may create the temptation to misuse its order in such manner. The Court Held Plaintiff's request for special relief and request for specific findings of fact were denied.

R.E.M.

C.C.P. Chester County, Pennsylvania Custody Action No. 2022-04169; Gersika
Thamara Ribeiro Arrais v. Marconio Sales Sousa

Ana Ferreira and Gabrielle Searle for Plaintiff
Marconio Sales Sousa, *pro se* (did not appear)
Verwey, J., September 7, 2022

[70 Ches. Co. Rep. **Arias v. Sousa**

GERSIKA THAMARA RIBEIRO
ARRAIS,

Plaintiff,

v.

MARCONIO SALES SOUSA,
Defendant.

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

NO. 2022-04169-CU

IN CUSTODY

DECISION

Plaintiff, Gersika Thamara Ribeiro Arrais (“Mother”), seeks special relief pursuant to Pa.R.Civ.P. 1915.13 and C.C.R.C.P. 1915.13.A, to include a final custody order, with regard to her son, M.A., age 12. Mother also seeks specific findings of fact that would permit M.A. to seek Special Immigrant Juvenile Status (“SIJS”) and the benefits attendant thereto. *See*, 8 U.S.C. § 1101(a)(27)(J) (defining “special immigrant”); 8 C.F.R. § 204.11 (special juvenile immigrant classification). After hearing, the court denies Mother’s Petition for Special Relief and request for specific findings of fact.¹

PROCEDURAL HISTORY

On June 15, 2022, Mother filed a Complaint for Custody seeking sole legal and physical custody of her son, M.A. Mother alleges, *inter alia*, that it is in the best interest of M.A. to be granted the relief requested. Mother also filed a Petition for Special Relief pursuant to Pa.R.Civ.P. 1915.13 and C.C.R.C.P. 1915.13.A contemporaneously with the Complaint for Custody. This matter was not scheduled for mediation as required by C.C.R.C.P. 1915.4.A(a)(1), nor was it scheduled for conciliation pursuant to C.C.R.C.P. 1915.5.B(c). A hearing was held before this court on the Petition for Special Relief and Custody on August 19, 2022.

Mother’s Position in Support

Mother seeks sole legal and physical custody of M.A. Mother also seeks specific findings that will allow M.A. to be eligible for SIJS, which would, in turn, permit him to become a lawful permanent resident of the United States. M.A. was born in Brazil on December 15, 2009, and is nearly 13 years of age. Mother testified that Father was “physical” with M.A. and that she was required to obtain a restraining order against Father in Brazil because of the abuse and his threat to kill her. M.A. has lived with Mother since 2017 and she provides him with his daily

¹ Defendant, Marconio Sales Sousa (“Father”) a foreign national residing in Brazil, did not participate in the hearing held on August 19, 2022.

needs, including educational opportunities. Mother also testified that it would be safer for M.A. to remain in her custody. Mother believes she should have sole legal and physical custody of M.A.

M.A., age 12, testified that Mother provides for his needs. He is attending school and doing well. M.A. testified that it is his preference to remain with Mother.

Father's Position in Support

Father, a resident of Brazil, did not participate in these proceedings, but did sign a Declaration and Acceptance of Service of the Complaint in Custody and Petition for Special Relief, in which he represented that he agreed that Mother should have sole legal and physical custody of M.A. (Exh. P-1).

ANALYSIS

In this matter, unlike most custody cases in the Commonwealth, where both Mother and Father are present to address the issues presented to the court, this case offers a markedly different situation because Father, a foreign national, did not participate in the hearing. This case is also unusual because it involves a request for special relief and specific findings of fact for purposes of facilitating M.A.'s application for SIJS.

Request for Special Relief

Mother requests special relief pursuant to Pa.R.Civ.P. 1915.13 and C.C.R.C.P. 1915.13.A in the form of a final custody order with specific findings of fact to support M.A.'s effort to obtain lawful SIJS. There is no provision in our statutes or rules that address special relief for this purpose or permit a departure from the requirement that the factors set forth in 23 Pa. C.S. §5328(a) be addressed by the court. Moreover, Mother's request for special relief is defective for two reasons.

First, special relief is limited to temporary orders affecting custody. *H.L.J. v. R.G.J.*, 239 A.3d 107 (Pa. Super. 2020) (nonprecedential decision) ("Under Rule 1915.13, the court's authority is limited to temporary or interim awards of physical custody."). The law does not permit this court to grant a final custody order as a form of special relief. *Id.*

Second, there is no emergency or other circumstance present, which warrants special relief in this case. *Cf., Steele v. Steele*, 545 A.2d 376 (Pa. Super. 1988) (finding that the court had authority to temporarily suspend visitation to protect child from violent and irrational tendencies of Mother). Mother has not sought a protection from abuse order on behalf of M.A. There is no evidence of record that M.A. faces an imminent threat nor that such issues will not be

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addressed by a final custody order. The *status quo* in this instance favors Mother and there is no evidence of record that M.A. would be put at risk or that there would be a change in circumstance in the absence of special relief.

For the foregoing reasons, Mother’s request for special relief is denied.

Request for Specific Findings

Mother comes before the court seeking custody and special relief for custody. It is clear to the court that Mother seeks an order, with specific findings of fact, primarily for the purpose of obtaining lawful SIJS for M.A. (Petition for Special Relief, ¶6). In every custody matter, this court is *required* to address the factors set forth in 23 Pa. C.S. §5328(a) in support of its decision rather than make limited specific findings of fact, requested by a party, to facilitate an application for SIJS.

This court has no jurisdiction over immigration matters, which are the province of the federal government. However, the federal government has thrust upon state courts the responsibility to make findings of fact and issue an order in dependency and custodial matters which, under certain circumstances, may allow an individual to be eligible for SIJS. This is not such a case.

The federal government defines a Special Immigrant Juvenile as:

An immigrant who is present in the United States –

- (i) who has been declared dependent in a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
- (ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence ...

8 U.S.C. § 1101(a)(27)(J). The regulations of the United States Citizenship and Immigration Service (“USCIS”), also require that a “juvenile court make a judicial determination related to the child’s custodial placement or dependency in accordance with state law, that either declares the child dependent upon the juvenile

court, or legally commits to or places the child under the custody of an agency or department of the Commonwealth, or an individual or entity appointed by a state or juvenile court.” 8 C.F.R. § 204.11(b)(4) (requiring juvenile court order for SIJS eligibility); 8 C.F.R. § 204.11(c)(1)(i)(A-B) (addressing juvenile court orders). *See also, Osorio-Martinez v. Attorney General of the United States of America*, 893 F.3d 153 (3d. Cir. 2018) (In order to be SIJS eligible, the child needs to “obtain an order of dependency from a state juvenile court.”). The order may not be sought primarily for purposes of obtaining lawful immigration status. *See*, 87 Fed. Reg. 10368 (2022) (Department of Homeland Security Summary of Proposed Rule).

“Not all courts having jurisdiction over juveniles under state law may be acting as juvenile courts for the purposes of SIJS classification. For example, a court of general jurisdiction that issues an order with SIJ-related findings outside of any juvenile custody or dependency proceeding *would generally not be acting as a juvenile court for SIJ purposes.*” USCIS POLICY MANUAL VOL. 6, PART J, CHAP. 2(C) (2022) (eligibility requirements) (emphasis added).² “The state law definition of “juvenile” controls jurisdiction to determine dependency or custody proceedings before the juvenile court.” USCIS POLICY MANUAL VOL. 6, PART J, CHAP. 2(C)(4) (2022) (eligibility requirements). In Pennsylvania, a juvenile is defined as “a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age or who is alleged to have violated the terms of juvenile probation prior to termination of juvenile court supervision.” Pa. R.J.C.P. 120.

Finally, in Pennsylvania, a child may only be found dependent when he or she “is without proper parental care or control . . . necessary for physical, mental, or emotional health . . .” *Matter of C.R.S.*, 696 A.2d 840, 842 (Pa. Super. 1997). Moreover, “whether a child is lacking proper parental care and control encompasses two discreet questions: (1) is the child at this moment without proper parental care or control? and (2) if so, is such care and control immediately available?” *Id.* These determinations must be based on clear and convincing evidence. *Id.* at 843; *see also*, 42 Pa. C.S. §6302 (defining dependent child).

The matter before the court is a custody case. The court is not sitting as a juvenile court as defined by federal law. USCIS POLICY MANUAL VOL. 6, PART J, CHAP. 2(C) (2022) (eligibility requirements); Pa. R.J.C.P. 120. (defining the term “juvenile”). There is no dependency matter before the court regarding M.A., and even if there were, the record is clear beyond question that he has parental care and control provided by his Mother. There is no evidentiary record upon which M.A. could be found dependent. *Matter of C.R.S.*, 696 A.2d 840 (Pa. Super. 1997). M.A. is also not a juvenile as defined by Pennsylvania law. Pa. R.J.C.P. 120.

Mother seeks to have this court issue its custody order using language

² <https://www.uscis.gov/policy-manual/volume-6-part-j-chapter-2>.

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specific to dependency and juvenile court proceedings. It appears that if the court were to sign such an order it could then be used to induce a federal agency or court, reviewing M.A.'s application for SIJS, to rely on that order in concluding that the statutory requirements of 8 U.S.C. § 1101(a)(27)(J) and accompanying regulations have been met when that is not the case. This court will not grant relief that may create the temptation to misuse its order in such manner.

For the foregoing reasons, Mother's request for specific findings is denied.

BY THE COURT:

Date: September 7, 2022

/s/ Anthony T. Verwey, J.

GERSIKA THAMARA RIBEIRO
ARRAIS,

Plaintiff,

v.

MARCONIO SALES SOUSA,
Defendant.

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

NO. 2022-04169-CU

IN CUSTODY

ORDER

AND NOW, this 7th day of September 2022, upon consideration of Plaintiff, Gersika Thamara Ribeiro Arrais', Petition for Special Relief, and after a hearing on August 19, 2022, it is hereby ORDERED and DECREED that:

1. Plaintiff's request for special relief is DENIED.
2. Plaintiff's request for specific findings of fact is DENIED.

BY THE COURT:

/s/ Anthony T. Verwey, J.

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ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

BUTLER, Thomas R., late of West Chester. Karen Vilcheck, care of ROSANA CHIPLE, Esquire, 31 South High St., West Chester, PA 19382, Administratrix. ROSANA CHIPLE, Esquire, Peak Legal Group, 31 South High St., West Chester, PA 19382, atty.

CANTAGALLO, JR., Paul, late of Caln Township. Thomas R. Ricci, care of R. LEONARD DAVIS, III, Esquire, Bailiwick Office Campus, 252 West Swamp Road, Ste. 15, P.O. Box 1306, Doylestown, PA 18901, Executor. R. LEONARD DAVIS, III, Esquire, Drake, Hileman & Davis, P.C., Bailiwick Office Campus, 252 West Swamp Road, Ste. 15, P.O. Box 1306, Doylestown, PA 18901, atty.

COBB, David W., late of West Whiteland Township. Bruce R. Cobb, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, Administrator. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste. 1, Downingtown, PA 19335, atty.

DAMBRINK, Lauralee F., a/k/a Lauralee F. Jackson, late of East Coventry Township. Miriam R. Schlotterer, 148 Nelmore Boulevard, Gilbertsville,

PA 19525, Administratrix. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

DesJARDINS, Barbara R., late of Kennett. Kunya DesJardins, care of JENNIFER H. WALKER, Esquire, Peak Legal Group, Ltd., Executrix. JENNIFER H. WALKER, Esquire, Peak Legal Group, Ltd., 31 South High St., West Chester, PA 19382, atty.

DIBARTOLOMEO, JR., Louis F., a/k/a Louis Flavian DiBartolomeo, late of London Britain Township. Jody Rampolla, 560 Cocalico Road, Denver, PA 17517, Executrix. EDWARD J. COYLE, Esquire, Buzgon Davis Law Offices, 525 South 8th Street, Lebanon, PA 17042, atty.

FLACCO, Carmel, late of Uwchlan Township. Brian D. Flacco, care of KRISTEN R. MATTHEWS, Esquire, 257 W. Uwchlan Ave., Ste 1, Downingtown, PA 19464, Executor. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 257 W. Uwchlan Ave., Ste 1, Downingtown, PA 19464, atty.

HARKIN, Geraldine Marjorie, a/k/a Geraldine M. Harkin Tuckett, late of Willistown Township. Julia Ann Wilkinson, 124 North St., Phoenixville, PA 19460, Executrix. JAMES C. KOVALESKI, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

HICKEY, JR., Michael J., late of Thornbury Township. Daniel E Hickey, 527 Andover Rd., Wilmington, DE 19803, Administrator C.T.A. REBECCA A. HOBBS, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

HUNT, Ryan James, late of Westtown Township. Paul S. Hunt & Jennifer Hunt, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19382-0562, Administrators. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19382-0562, atty.

JONES, Willie Thadas, late of East Pikeland Township. Laressa McNemar, 1930 Marlboro Road, Kennett Square, PA 19348, Executrix. ROBERT L. MILLER, JR., Esquire, PO Box 228, Unionville, PA 19375, atty.

KUNKLE, Robert G., late of Malvern. Rosemary E. Kunkle, care of KEVIN J. RYAN, Esquire, 220 West Gay Street, West Chester, PA 19380, Executrix. KEVIN J. RYAN, Esquire, RMI Law, 220 West Gay Street, West Chester, PA 19380, atty.

LITKE, Michael G., late of West Vincent. Laura Meixner, care of JENNIFER H. WALKER, Esquire, 31 S. High St., West Chester, PA 19382, Administra-

trix. JENNIFER H. WALKER, Esquire, Peak Legal Group, Ltd., 31 S. High St., West Chester, PA 19382, atty.

MAHOLLAND, Marilyn A., late of Downingtown Borough. Roslyn Sue Maholland, 342 East Lancaster Avenue, Downingtown, PA 19335, Executrix. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

MYERS, Robert A., late of East Whiteland Township. Deborah W. Myers, 13 Knollbrook Circle, Malvern, PA 19355, Executrix. FRANK W. HAYES, Esquire, Hayes & Romero, 31 South High Street, West Chester, PA 19382, atty.

NAGGAR, Ali K., late of Westtown Township. Tahany Naggar, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19382-0562, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19381-0562, atty.

PRICE, Elizabeth E., a/k/a Elizabeth Emory Price, late of West Brandywine. Rebecca J. Stubbs, 11 Patricia Driver, Downingtown, PA 19335, Executrix. STEPHEN J. ROSS, Esquire, Ross, Quinn & Ploppert, P.C., 192 S Hanover Street, Suite 101, Pottstown, PA 19464, atty.

RIEHL, Joseph J., a/k/a Joseph James Riehl, Sr., late of Willistown Township. Joanne M. Riehl, care of CAROLINA R. HEINLE, Esquire, 724 Yorklyn Rd., Ste 100, Hockessin, DE 19707, Executrix. CAROLINA R. HEINLE, Esquire, MacElree Harvey, LTD., 724 Yorklyn Rd., Ste 100, Hockessin, DE 19707, atty.

SAVAGE, Peter J., a/k/a Peter Joseph Savage, Jr. & Peter Joseph Savage, late of East Whiteland Township. Rebecca Waddell, care of JILL R. FOWLER, Esquire, 1001 Conshohocken State Rd., Ste. 1-300, West Conshohocken, PA 19428-2983, Executrix. JILL R. FOWLER, Esquire, Heckscher, Teillon, Terrill & Sager, P.C., 1001 Conshohocken State Rd., Ste. 1-300, West Conshohocken, PA 19428-2983, atty.

SCHENFELT, Carolyn J., late of Pocopson Township. Kenneth E. Schenfelt, care of JANET M. COLLITON, Esquire, 790 E. Market St., Ste 250, West Chester, PA 19382-4806, Executor. JANET M. COLLITON, Esquire, Colliton Elder Law Associates, 790 E. Market St., Ste 250, West Chester, PA 19382-4806, atty.

SCOTT, Phyllis Gilman, late of Easttown Township. Willard Scott, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Road, Malvern, PA 19355, atty.

SMITH, Edward P., late of Caln Township. Margaret Reif, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19382-0562, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, P.O. Box 562, West Chester, PA 19382-0562, atty.

WEIR, Eithne Mary, a/k/a Eithne M. Weir, late of West Whiteland Township. James M. Tyler, 121 S. Broad St., 20th Fl., Philadelphia, PA 19107, Executor. JAMES M. TYLER, Esquire, Schubert Gallagher Tyler & Mulcahey, 121 S. Broad St., 20th Fl., Philadelphia, PA 19107, atty.

WHITAKER, Sarah M., late of Coatesville. Anthony Whitaker, care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executor. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

2nd Publication

ALBED, Shirley A., a/k/a Shirley C. Albed, late of Tredyffrin Township. Raymond J. Albed, Jr. and Michelle Albed, care of STEPHEN D. POTTS, Esquire, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne, PA 19087-3115, Executors. STEPHEN D. POTTS, Esquire, Herr, Potts & Potts, LLC, Strafford Office Bldg. #2, 200 Eagle Rd., Ste. 106, Wayne, PA 19087-3115, atty.

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DeBIASSE, Robert, late of West Chester. Jean DeBiasse, care of KEVIN J RYAN, Esquire, 220 West Gay Street, West Chester, PA 19380, Executrix. KEVIN J RYAN, Esquire, RMI Law, 220 West Gay Street, West Chester, PA 19380, atty.

DECKMAN, Lorna D., late of Kennett Square Borough. David L. Myers, care of EMILY TEMPLE ABELS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. EMILY TEMPLE ABELS, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

DERKAS, Helen, late of East Nantmeal. Helen Derkas, care of CAROLYN MARCHESANI, Esquire, P.O. Box 444, Pottstown, PA 19464, Executrix. CAROLYN MARCHESANI, Esquire, Wolf, Baldwin, & Associates, P.C., P.O. Box 444, Pottstown, PA 19464, atty.

DUNN, Virginia Carol, late of London Grove Township. Brenda Rosazza, 124 Gap Newport Rd., Avondale, PA 19311, Administratrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

FISCHER, Elaine, late of West Pikeland Township. Joseph Fischer, care of MICHAEL S. DINNEY, Esquire, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, Executor. MICHAEL S. DINNEY, Esquire, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, atty.

FITZGERALD, Kathryn Mary, late of West Chester Borough. Eileen K. DeHope, 1520 Meadowbrook Lane, West Chester, PA 19380, Executrix. MATTHEW M MAERTZIG, Esquire, Matthew M Maertzig, PC, 375 Horsham Road, Suite 100, Horsham, PA 19044, atty.

FLYNN, Patricia Ann, late of West Chester. Thomas Flynn, 707 Yarmouth Dr., West Chester, PA 19380, Executor.

GRILL, Rona, late of Uwchlan Township. Stefanie Grill, care of GARY SCHAFFKOPF, Esquire, 11 Bala Avenue, Bala Cynwyd, PA 19004, Administrator. GARY SCHAFFKOPF, Esquire, Schaffkopf Law, 11 Bala Avenue, Bala Cynwyd, PA 19004, atty.

GRUMBACH, Doris, late of Pennsbury Township. Donald B. Lynn, Jr., care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larimore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

HELMUTH, Caroline S., late of Westtown Township. Garrett K. Helmuth, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

MANGIOVILLANO, Jeannette M., late of Valley Township. Philip Paul Mangio villano, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

MANZARI, Richard C., a/k/a Chris Manzari, late of Caln Township. Richard Manzari and Deirdre

Manzari, care of KATHLEEN A. MALOLES, Esquire, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, Administrators. KATHLEEN A. MALOLES, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, 375 Morris Rd., P.O. Box 1479, Lansdale, PA 19446-0773, atty.

MAYRO, Ronald, late of Tredyffrin Township. Urszula Mayro and Mayur Mehta, 387 Hilltop Rd., Paoli, PA 19301, Executors. JOSEPH P. MCGOWAN, Esquire, Joseph P. McGowan, P.C., 701 Lakeside Park, Southampton, PA 18966, atty.

McCABE, Mary Lou, late of Penn Township. Schuyler Mohr McCabe, 450 Dolly Dr., Lancaster, PA 17601, Executor. ANITA M. D'AMICO, Esquire, D'Amico Law Firm, 65 S. Third St., Oxford, PA 19363, atty.

McCOMSEY, Robert Earl, a/k/a Robert E. McComsey, late of Kennett Square Borough. David M. McComsey, 26 Blue Jay Dr., Elkton, MD 21921, Executor. ANITA M. D'AMICO, Esquire, D'Amico Law Firm, 65 S. Third St., Oxford, PA 19363, atty.

MCKEE, Lewis F., late of Coatesville. Deborah J. Mckee, care of MICHELLE C. BERK, Esquire, 1300 Virginia Drive, Suite 325A, Ft. Washington, PA 19034, Administrator. MICHELLE C. BERK, Esquire, Law Offices of Michelle C. Berk, P.C., 1300 Virginia Drive, Suite 325A, Ft. Washington, PA 19034, atty.

McNAMARA, George E., late of West Bradford Township. Nancy D. McNamara, care of MARC L. DAVIDSON, Esquire, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, Executrix. MARC L. DAVIDSON, Esquire, Davidson & Egner, Radnor Station Two, 290 King of Prussia Rd., Ste. 110, Radnor, PA 19087, atty.

MONJAR, Melissa Mary, late of Easttown Township. Robert Sprouls, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Administrator. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

PRINS, Leonard D., late of West Vincent Township. Henri E. Prins, care of DAVID T. SCOTT, Esquire, Westtown Business Center, 1528 McDaniel Dr., West Chester, PA 19380, Executor. DAVID T. SCOTT, Esquire, Delaney & Scott, P.C., Westtown Business Center, 1528 McDaniel Dr., West Chester, PA 19380, atty.

QUEPPET, Kenneth M., late of New London Township. Caitlin E. Beiler, care of JOSEPH A.

BELLINGHERI, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. JOSEPH A. BELLINGHERI, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

RICH, JR., Brian R., late of Easttown Township. Brian R. Rich, Sr., 5225 Weyhill Farm Rd., Bethlehem, PA 18015 & Martha Rich, 1222 Mountain Rd., Kempton, PA 19529, Administrators. GRETCHEN STERNS, Esquire, Law Office of Gretchen Coles Sterns, LLC, PO Box 345, Pottsville, PA 17901, atty.

RISBON, Thelma M., a/k/a Thelma Mae Risbon, late of Uwchlan Township. Carol L. Puccella, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike, Suite 150, Exton, PA 19341, atty.

RUSSELL, Donald D., a/k/a Donald D. Russell, Jr., late of New London Township. James J. Russell, Sr., 145 Garden Station Rd., Avondale, PA 19311, Executor. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

THOMAS, Dorothy A., late of East Goshen Township. Kendall R. Ruffatto, care of ANTHONY MORRIS, Esquire, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, Executrix. ANTHONY MORRIS, Esquire, Buckley Brion McGuire & Morris LLP, 118 W. Market Street, Suite 300, West Chester, PA 19382-2928, atty.

WATSON, JR., Brian A., late of Phoenixville Borough. Brian A. Watson, Sr., 316 High St., Phoenixville, PA 19460, Administrator. TIMOTHY G. DALY, Esquire, Daly & Clemente, P.C., 630 Freedom Business Center Dr., 3rd Fl., King of Prussia, PA 19406, atty.

3rd Publication

ALDERMAN, Carole L., a/k/a Carole Louise Alderman, late of Sadsbury Township. Eric D. Alderman, 103 N. Custer Avenue, New Holland, PA 17557, Executor. JOHN S. CARNES, JR., Esquire, 101 W. Main Street, Parkesburg, PA 19365, atty.

ATEYEH, Laurel Grace, late of East Pikeland Township. Michael Zane Brown, 232 Kimbel Drive, Phoenixville, PA 19460, Administrator.

BOGAR, Jean Anne, late of Phoenixville Borough. Edward Jones Trust Company, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GILLIN, Mary A., a/k/a Mary Gillin, late of West Whiteland. John R. Gillin, Jr, 291 Cotswold Lane, West Chester, PA 19380, Executor. DANA M. BRESLIN, Esquire, Breslin Murphy & Roberts, 3305 Edgmont Avenue, Brookhaven, PA 19015, atty.

KULP, Carol J., late of West Nantmeal Township. Tami Jean Egoft, 22 Washington St., Strasburg, PA 17579, Executrix. JOHN A. KOURY, JR., Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

MCDONOUGH, Marlene M., late of Kennett Square Borough. Eileen M. Taylor, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

POWERS, Donald C., late of East Nottingham Township. Jennifer L. Powers, 60 W. 57th St., No. 11D, New York, NY 10019, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, 65 S. Third St., Oxford, PA 19363, atty.

RENNARD, Carol L., late of East Goshen Township. Tara E. Gassenmeyer, care of KARYN L. SEACE, CELA, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Administratrix. KARYN L. SEACE, CELA, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

REYBURN, Samuel H., late of Upper Oxford Township. Stanley J. Reyburn, care of JAMES R. CLARK, Esquire, 277 Millwood Road, Lancaster, PA 17603, Executor. JAMES R. CLARK, Esquire, Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603, atty.

ROHRBACH, Ruth S., a/k/a Ruth Rohrbach, late of North Coventry Township. Elizabeth R. Dietz, 730 W. Hoeffcker Rd., Pottstown, PA 19465, Executrix. JAMES M. SMITH, Esquire, Smith Bukowski, LLC, 1050 Spring St., Suite 1, Wyomissing, PA 19610, atty.

SCHWARTZ, Marc R., late of Pottstown. Danette C. Dean, 98 Warwick Circle, Pottstown, PA 19465, Personal Representative.

SCOTT, Gregory Sherman, late of Glenmoore. Meredith Winslow, care of JENNIFER ABRACHT, Esquire, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, Executor. JENNIFER ABRACHT, Esquire, Perna & Abracht, LLC, 610 Millers Hill, P.O. Box 96, Kennett Square, PA 19348, atty.

VAN VLIET, Steven, late of Charlestown Township. Nicholas van Vliet, 3900 City Ave., Apt. W423, Philadelphia, PA 19131, Executor. REBECCA A.

HOBBS, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

VISCO, JR., Louis Anthony, late of Elverson Borough. Heather Hurllock, care of ROY S. ROSS, Esquire, 1600 Market St., Ste. 3600, Philadelphia, PA 19103, Executrix. ROY S. ROSS, Esquire, Schnader Harrison Segal & Lewis LLP, 1600 Market St., Ste. 3600, Philadelphia, PA 19103, atty.

FICTITIOUS NAME

NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on September 30, 2022 for DTE of West Philadelphia at 625 Shropshire Dr., West Chester, PA 19382. The entity interested in such business is Kora&Skye LLC, whose Commercial Registered Office provider’s address is 625 Shropshire Dr., West Chester, PA 19382 in Chester County. This was filed in accordance with 54 Pa.C.S. 311.

FOREIGN REGISTRATION STATEMENT

CERTIFICATE OF AUTHORITY

Notice is hereby given that General Equipment Acceptance Corp., a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1246 West Chester Pike, Suite 310, West Chester, PA 19382, has or will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 9, 2022, under Section 412 of the Associations Code.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located in Chester County.

NONPROFIT CORPORATION NOTICE

THE FOUNDATION FOR HEALTH CREATION INC. has been incorporated under the provisions of the Nonprofit Corp. Law of 1988, as amended, for educational purposes within the meaning of Sec. (501)(c)(3) of the Internal Revenue Code. MARK S. DANЕК, Solicitor, THE DANЕК LAW FIRM, LLC, 1255 Drummers Ln., #105, Wayne, PA 19087

FOREIGN WITHDRAWAL

Notice is hereby given that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, Integrated Waste Solutions, Inc. a corporation of the State of New Jersey, with a principal office and registered office in Pennsylvania at 1246 West Chester Pike, Suite 310, West Chester, PA 19382 which on May 3, 2005 was registered to transact business in the Commonwealth, intends to file a Statement of Withdrawal with the Department of State.

NOTICE

Richard W. Keifer III, Esquire
I.D.# 84924
Keifer Law Firm, LLC
311 Market Street
Kingston, PA 18704
(570)371-3851
COURT OF COMMON PLEAS OF CHESTER COUNTY

SELECTIVE INSURANCE COMPANY OF AMERICA

40 Wantage Avenue
Branchville, NJ 07890,
Plaintiff,

vs.

JUST GREEN IT ENERGY, LLC
1801 Horseshoe Pike
Glenmoore, PA 19344,
Defendant.

CIVIL ACTION-LAW
No. 2022-05817

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within (20) days after this Complaint and notice are served, by entering a written appearance personally, or by attorney, and filing in writing with the court your defenses or objections

to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

Lawyer Reference Service
Chester County Bar Association
15 W. Gay Street
West Chester, PA 19381
(610) 429-1500

3rd Publication of 3

TRUST NOTICE

Trust Estate of JEAN ANNE BOGAR, deceased, late of Phoenixville Borough, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of JEAN ANNE BOGAR are requested to make known the same and all persons indebted to said decedent are requested to make payment without delay to:

Edward Jones Trust Company, Trustee
c/o Larmore Scarlett LLP
P.O. Box 384
Kennett Square, PA 19348

Attorney:
Donald B. Lynn, Jr., Esquire
Larmore Scarlett LLP
P.O. Box 384
Kennett Square, PA 19348

2nd Publication of 2

ADOPTION NOTICE

IN THE COURT OF COMMON PLEAS OF
LANCASTER COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
IN RE: ADOPTION OF
FREYA MICHELLE BENYO

No. 2022-1601

PUBLICATION NOTICE

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to Terminate the Parental Rights of Moira Adams. A hearing on the Petition will be held on December 21, 2022 at 2:00 p.m. in Courtroom No. 11 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Lancaster Law Group, LLC
By: Shawnee S Burton, Esquire

APPLICATION FOR UNITED STATES MAGISTRATE JUDGE

answer all questions. If a question is not applicable, indicate this by marking in the relevant space. Submit the completed form via email to manresources@paed.uscourts.gov with the subject line "Magistrate Judge application." Applications submitted by mail will not be considered. Please do not court regarding the status of your application. If you are unable to sign and scan application, an /s/ or e-signature will be accepted.

General

1. Full name: _____

2. All other names by which you have been known: _____

3. Office address: _____

City: _____ State: _____

Zip: _____ Telephone: _____

4. Residential address: _____

City: _____ State: _____ Zip: _____

5. Place of Birth: _____ Date of Birth: _____

6. Length of residence in state: _____

7. If you are a naturalized citizen, state the date and place of naturalization:

8. Military Service:

Branch: _____ Dates: _____

Rank or Rate at Discharge: _____ Type of Discharge: _____

If still a Reserve or National Guard Member, give service, branch, unit, and

present rank: _____

9. Are you related by blood or marriage to any judges of this court?

Yes _____ No _____ If yes, give name(s) and relationship: _____

Health

10. What is the present state of your health?

11. Do you have any mental or physical impairment that would affect your ability to perform the duties of a magistrate judge with or without reasonable accommodation?

Education

12. Colleges and universities attended, dates, and degree: _____

13. Continuing legal education courses completed within the last 10 years:

Honors

- 14. Were you a member of law review? Yes _____ No _____. If yes, describe role: _____

- 15. If you have published any legal books or articles, list them, giving citations and dates: _____

- 16. List any honors, prizes, or awards you have received. _____

Professional Admissions

17. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:

<u>Court or Administrative Body</u>	<u>Date of Admission</u>
_____	_____
_____	_____
_____	_____
_____	_____

Law Practice

18. State the names, addresses, and dates of employment for all law firms with which you have been associated in practice, all government agencies, and all private business organizations in which you have been employed. Also, provide all dates during which you have practiced as a sole practitioner.

Organization	Address	Position	Dates
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

19. Describe the general nature of your current practice including any legal specialties and character of your typical clients; also, if your practice is substantially different now than previously, give details of prior practice. _____

20. Do you regularly appear in court? Yes _____ No _____

What percentage of your appearances in the last five years was in the following forums?

- 1. Federal courts? _____%
- 2. State or local courts of record? _____%
- 3. Administrative bodies? _____%
- 4. Other? _____%
- _____%
- _____%

21. During the past five years, what percentage of your practice has been trial practice? %

22. How frequently have you appeared in court? times/mo.

23. How frequently have you appeared at administrative hearings? times/mo.

24. What percentage of your practice involving litigation has been:

Civil %

Criminal %

Other %

..... %

..... %

25. State the number of cases you have tried to conclusion in courts of record during the past five years, indicating whether you were sole, associate, or chief counsel. Give citations of any reported cases. _____

26. Summarize your courtroom experience for the past five years. _____

27. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the past five years. _____

Public Office

28. Have you ever run for, or held, public office? Yes _____ No _____ If yes, give details. _____

Prior Judicial Experience

29. a) Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved and the dates of service, or dates of candidacy.

b) If you have held judicial office, state the names and addresses of counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities. _____

c) Prior quasi-judicial service:

Names of agency: _____

Position held: _____

Hearings on what type of issues: _____

Number of cases adjudicated: _____

Dates of service: _____

Business Involvement

30. a) If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position

immediately upon your appointment to judicial office.

b) Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? Yes _____ No _____
If yes, give the details, including dates.

c) During the past five years have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind? Yes _____ No _____
If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, and the dates such compensation was paid.

31. a) Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance? Yes ___ No ___
If yes, give details. (Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.)

b) Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? Yes _____ No _____
If yes, give particulars. _____

32. a) Have you ever been sued by a client? Yes _____ No _____
 If yes, give particulars. _____

b) Have you or your professional liability insurance carrier ever settled a claim
 against you for professional malpractice? Yes _____ No _____
 If yes, give particulars, including the amounts involved. _____

33. Have you ever been charged in any civil or criminal proceedings with conduct
 alleged to involve moral turpitude, dishonesty, or unethical conduct? Yes _____
 No _____ If yes, give particulars. _____

34. Have you ever been disciplined or cited for a breach of ethics or unprofessional
 conduct by any court, administrative agency, bar association, or other professional
 group? Yes _____ No _____ If yes, give particulars.

35. Have you filed appropriate tax returns as required by federal, state, local, and
 other government authorities? Yes _____ No _____ If no, explain. _____

36. Have any liens or claims ever been instituted against you by the federal, state, or local authorities? Yes _____ No _____ If yes, explain. _____

Professional and Other Activities

37. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups, and committees to which you belonged. _____

b) List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 37 a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in each such organization. _____

c) Have you ever served on a merit selection panel to consider the appointment or reappointment of a United States magistrate judge in this district? If yes, please provide date(s) or appointment(s). _____

Supplemental Information

38. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law. _____

39. State any additional education or other experiences you believe would assist you in holding judicial office. _____

40. State any other pertinent information reflecting positively or adversely on you, which you believe should be disclosed to the district court and the merit selection panel in connection with your possible selection as United States magistrate judge.

41. a) List three individuals as references who are familiar with your abilities.

Name _____

Address _____

Telephone _____

Email _____

Name _____

Address _____

Telephone _____

Email _____

Name _____

Address _____

Telephone _____

Email _____

b) List three individuals as references who are familiar with your personal character.

Name _____
Address _____
Telephone _____
Email _____

Name _____
Address _____
Telephone _____
Email _____

Name _____
Address _____
Telephone _____
Email _____

Confidentiality Statement

This form will be kept confidential and will be examined only by members of the merit selection panel and the judges of the district court. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant: _____ Date: _____

*If you are unable to sign and scan your application, an /s/ or e-signature will be accepted.

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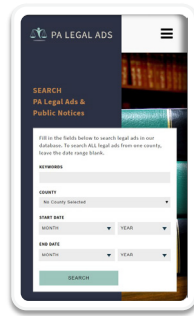
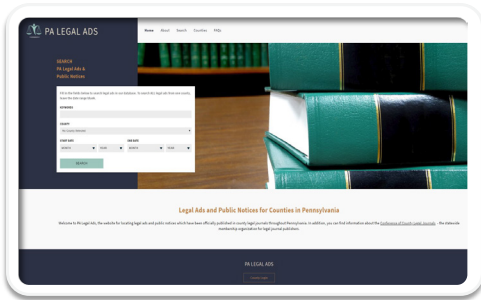
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- Mr. DeCaro has tried more than 200 jury trials to verdict.
- On behalf of his clients, he has achieved over a dozen verdicts in excess of \$1,000,000.
- He has also represented defendants such as hospitals, doctors, law firms and other individuals and entities.
- Roy has regularly been selected by his peers for inclusion in The Best Lawyers in America.
- Best Lawyers recognized Mr. DeCaro in 2018 as the “Best Personal Injury Lawyer of the Year” for Philadelphia.
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