

Court of Common Pleas of Lancaster County
Criminal

Commonwealth v. Perez
Pre-Trial Motion – Suppression

Evidence uncovered from a “protective search” of a passenger compartment of a vehicle must be suppressed where the facts and circumstances indicate that Defendant was under custodial arrest, was handcuffed in the back of a police cruiser, and would not be permitted to return to the vehicle.

Opinion. Commonwealth of Pennsylvania v. Deshawn Perez. No. 1663–2021.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

OPINION BY: WRIGHT, J., April 25, 2022. This Summary is written pursuant to Rule 581(l) of the Pennsylvania Rules of Criminal Procedure. Defendant, Deshawn Perez, filed a Pretrial Motion to Suppress Evidence on August 11, 2021. For the following reasons, I find that physical evidence found in the passenger compartment of Defendant’s vehicle was obtained illegally and must be suppressed.

BACKGROUND

Defendant is charged in the above-captioned matter with Firearms Not to be Carried Without a License, Fleeing or Attempting to Elude a Police Officer, Use/Possession of Drug Paraphernalia, and Possession of a Small Amount of Marijuana for Personal Use, along with several summary charges.¹ The charges arose out of an incident on April 3, 2021, during which Defendant’s vehicle was searched and a gun and other contraband were found in the passenger compartment.

Defendant has filed a Motion to Suppress, arguing that the warrantless search of his vehicle was illegal and that all evidence uncovered during the search should, consequently, be suppressed.² A Suppression Hearing was held in the above-captioned matter on November 15, 2021. At the hearing, the following facts were established. During the early morning hours of April 3, 2021, Officer Karl Hartranft of the West Hempfield Police Department was on patrol at the on-ramp to Route 30 East at Prospect Road. (Notes of Testimony, Suppression Hearing, Nov. 15, 2021, at 5 [hereinafter N.S.T. at ___]). He sat stationary in his cruiser observing vehicles on the highway when, at approximately 1:28 a.m., a speeding vehicle passed his cruiser. (N.S.T. at 5). Officer Hartranft observed the vehicle in the left lane proceeding eastbound and clocked the speed of the vehicle at a rate of 106 miles per hour in a legally posted 55 mile per hour zone. (N.S.T. at 6).

Officer Hartranft pulled onto the highway and began to follow the vehicle. (N.S.T. at 6). His pursuit of the speeding vehicle was captured on body camera. (Mobile Video Recording Commonwealth Exhibit 1,

¹ 18 Pa. C.S.A. § 6106(a)(1), 75 Pa. C.S.A. § 3773(a), 35 Pa. C.S.A. § 780-113(a)(32), and 35 Pa. C.S.A. § 780-113(a)(31)(i), respectively.

² In his Motion, Defendant also argued that certain statements made to police should be suppressed because he was not given *Miranda* warnings and was subject to coercive conditions functionally equivalent to custodial arrest. These arguments were resolved by stipulation as further outlined herein.

Suppression Hearing, Nov. 15, 2021 [hereinafter M.V.R. at ___]). The footage shows Officer Hartranft gaining on the car and, approximately one minute into the chase, activating his patrol car's lights and sirens. (M.V.R. at 2:06). Even after Officer Hartranft activated his lights and sirens and was within close proximity to the vehicle, the vehicle continued to speed up, reaching a maximum speed of approximately 128 miles per hour in a 55 mile per hour zone. (N.S.T. at 6). The vehicle eventually slowed and activated its turn signal, then deactivated the turn signal and continued driving, then activated the turn signal again. (N.S.T. at 6; M.R.V. at 2:20–2:40).

During the pursuit, Officer Hartranft turned on his spotlight and observed the driver make at least two movements that appeared like the driver was going into the center console to try to hide something. (N.S.T. at 7, 21). During the suppression hearing, Officer Hartranft testified that the driver was “making movements . . . and [was not] stopping,” which made Officer Hartranft “a little concerned of what was going on.” (N.S.T. at 7–8). Based on Officer Hartranft's training and experience, it appeared that the driver was trying to hide something in the center console of the vehicle. (N.S.T. at 8).

The vehicle eventually pulled off the highway at the Centerville Road exit. (N.S.T. at 8; M.V.R. at 3:00). Officer Hartranft used his cruiser's PA system to tell the driver to “pull over.” (M.V.R. at 3:24). The driver of the vehicle slowly complied and brought the vehicle to a gradual stop on the shoulder of the exit ramp. (M.V.R. at 3:35). Officer Hartranft exited his cruiser with his gun drawn, pointing it toward the vehicle, and instructed the driver to show his hands. (N.T. at 9; M.V.R. at 3:50). Officer Hartranft then made contact with the driver of the vehicle, who he identified during the Suppression Hearing as Defendant, Deshawn Perez. (N.T. at 10).

After Defendant complied with Officer Hartranft's request to put his hands out the window of the vehicle, Officer Hartranft reholstered his weapon and began interacting with Defendant through Defendant's open driver's side window. (N.T. at 11; M.V.R. at 3:58). Officer Hartranft testified that as he attempted to interact with Defendant, Defendant was talking on a cell phone that he held in his left hand and was moving toward the center the center console with his right hand. (N.T. at 11). Although Officer Hartranft could not see any weapons, the “hairs on the back of [his] neck were stepping up” based on all of Defendant's actions that Officer Hartranft had observed since first spotting Defendant's speeding vehicle. (N.T. at 11).

Officer Hartranft then told Defendant to stop talking on his cell phone and warned that if he failed to comply, Officer Hartranft would take it. (M.V.R. at 4:42). When Defendant failed to comply, Officer Hartranft reached into the vehicle and took the phone from Defendant. (N.T. at 11–12; M.V.R. at 4:50). Officer Hartranft then opened Defendant's car door and instructed him to get out of the vehicle. (N.T. at 12; M.V.R. at 4:50–5:00). Officer Hartranft turned Defendant around to face the vehicle and handcuffed him. (N.T. at 12; M.V.R. at 5:12). As Officer

Hartranft walked Defendant back to the police cruiser, Officer Hartranft told Defendant that he was “fleeing and eluding” and that he clocked Defendant traveling at 114 miles per hour such that “technically, we have reckless endangerment.” (N.T. at 12; M.V.R. at 5:32–5:53). Officer Hartranft told Defendant to “have a seat” in the cruiser. (M.V.R. at 7:35). Defendant then asked Officer Hartranft if he was being detained, to which Officer Hartranft replied, “Yes, have a seat.” (M.V.R. at 7:37). Defendant responded, “For what reason?”, to which Officer Hartranft stated, “At this point, reckless endangerment, have a seat, sit down in the car.” (M.V.R. 7:38–7:43).

After Defendant was placed in the cruiser, another officer pulled up to the scene of the stop and Officer Hartranft walked back to Defendant’s vehicle and began searching the passenger compartment, including the center console. During the search, Officer Hartranft found a loaded nine-millimeter Walther pistol in the center console, a large “hookah bong” in the back seat that was visible from the outside of the vehicle, and a “little bit” of marijuana also concealed in the center console. (N.T. at 14).

During Officer Hartranft’s cross examination at the Suppression Hearing, the following exchange occurred between Officer Hartranft and Defendant’s counsel:

Q: As soon as [Defendant] steps out [of the vehicle], you place his body against the vehicle and put his arms behind his back, correct?

A: Yes.

Q: He is then cuffed, correct?

A: Yes.

Q: And then he is escorted to the back of your patrol vehicle with cuffs, correct?

A: Yes.

Q: At that time, you were under the impression he was fleeing and eluding you at that time, correct?

A: Yes, at some point, yes.

Q: You had also told him he was in trouble for speeding and reckless endangerment, correct?

A: Yes, at that point.

Q: And—

A: I didn’t say he was being arrested for it. I told him he was being detained at that point.

Q: Per your training and experience, you understand fleeing, eluding and reckless endangerment to be misdemeanor or felony offenses, not summary offenses, correct?

A: Yes.

Q: And you would agree with me that when you are detaining someone, you are doing so for investigatory purposes; is that correct?

A: Yeah, and also for officer safety issues.

Q: In that particular instance, you would agree with me that the alleged crime of fleeing and eluding would have been completed by the time the stop was initiated, correct?

A: I mean, yeah, I guess.

Q: So there was no further investigation that you needed to do as to fleeing and eluding, correct?

A: No. I guess if [I] wanted it would have been a fleeing charge, I guess, possibly.

Q: And you did, in fact, charge him with fleeing and eluding because you thought you had probable cause to do so after the vehicle stop, correct?

A: Yes.

Q: Similarly, at the point that you—you told him, in fact, that he was going to be in trouble for reckless endangerment, as well, potentially, correct?

A: Potentially, yes.

Q: So having charged him with fleeing and eluding and potentially reckless endangerment, which are misdemeanor offenses, you had no plans of releasing him that night without being processed at the police station, correct?

A: Not necessarily. I was going to investigate the situation further. Like I said, this is why—you've obviously seen the video. I was investigating the situation to see what was going on. It wasn't necessarily he was actually going to be charged with those things. I was advising him that, hey, this is, you know, the issue that you could be charged with. I had done this before, and you don't always arrest before. Hey, I'm going to charge you with this. Sometimes—as I said, I didn't charge him with the reckless endangerment. I just charged him with the fleeing.

Q: So you did charge him with the fleeing, correct?

A: Yes.

Q: And, correct me if I'm wrong, in your training and experience how many times have you given warnings from fleeing and eluding and recklessly [sic] endangerment?

A: It depends on the situation. Some people actually don't see you at the point you are trying to stop them. There are times where somebody is—you know, there is a medical issue or something going on and you walk up, hey, what is going on, and they weren't really fleeing. That is a little bit different situation here.

Q: Based on that night, you represented to Mr.

Perez that you thought he saw you in that instance, correct?

A: Yes.

Q: So it wouldn't be a situation that you just described, correct?

A: I'm not sure what you mean.

Q: So you are saying at some times there are instances where you think the person didn't see you and you didn't charge them later, correct?

A: Yes.

Q: That was not this instance, correct?

A: No, it was not.

Q: So not only did you cuff him, he was later subsequently charged with a misdemeanor offense of fleeing and eluding, correct?

A: Along with a couple other things, yes.

Q: And I think we established on cross that you had completed the investigation for fleeing and eluding as you had been chasing him in a vehicle that had been stopped at that time, correct?

A: I guess, yeah. I'm not exactly a hundred percent sure of what you are saying—or what you mean.

Q: You had probable cause at the time the vehicle was stopped to charge him with fleeing and eluding, correct?

A: Yes.

Q: So he was under arrest for fleeing and eluding at that time?

A: I didn't necessarily make a decision I was going to charge him with it, no.

Q: But you subsequently did?

A: I did eventually, yes.

* * *

Q: . . . [G]enrally a person is arrested and has to be booked and processed at a police station . . . correct?

A: Yes.

Q: So they would still have to go in custody to the police station with the West Hempfield Police?

A: Every situation is different. Like I said, there has been instances where things have occurred and, you know, say, you know, might have had, you know, a fatal legal accident or something like that and you are dealing with somebody, and sometimes you've just got to file charges at a later date. Unfortunately, sometimes we are shorthanded. They want us to do that, but it doesn't always

happen that way all the time.

Q: In this instance it worked out? You were able to book and process him?

A: We did, yes.

Q: And you didn't have any emergencies that would have precluded you from doing that, correct?

A: No.

(N.T. at 27–36).

The Commonwealth and Defendant stipulated during the Suppression Hearing that any statements made by Defendant to Officer Hartranft following the 6:13 time stamp of the M.V.R. should be suppressed, as should any marijuana that Officer Hartranft seized during his search. (N.S.T. at 32–33, 40).

DISCUSSION

As a result of the stipulations set forth above, the sole issue before the Court is the legality of Officer Hartranft's search of the passenger compartment of Defendant's vehicle, during which Officer Hartranft seized a pistol, a digital scale, and a hookah.³ For the following reasons, I find that Officer Hartranft's search violated Defendant's rights under the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution and that the items seized during the search must be suppressed.

Recognizing the dangers inherent to law enforcement personnel tasked with making vehicle stops, both the United States and Pennsylvania Supreme Courts have established that officers may perform "protective searches" of vehicle consoles when the searching officer possesses a "reasonable belief based on 'specific articulable facts which, taken together with the rational inferences from those facts, reasonably warrant' the officer in believing that the suspect is dangerous and the suspect may gain immediate control of weapons." Commonwealth v. Morris, 644 A.2d 721, 723 (1994) (quoting Michigan v. Long, 463 U.S. 1032, 1049–50 (1983)); see In re O.J., 958 A.2d 561, 564–65 (Pa. Super. 2008) (quoting Pennsylvania v. Mimms, 434 U.S. 106, 110 (1977) to explain the risks associated with officers approaching persons seated in automobiles). Pennsylvania case law interpreting this rule makes it clear that this standard is two-pronged: an officer is permitted to search a vehicle console only when the officer possesses a reasonable belief, based on the totality of the circumstances, that the suspect is dangerous **and** that the suspect may gain immediate control of weapons.

Instantly, there is no question that, considering the totality of the circumstances, Officer Hartranft possessed a reasonable belief based on specific articulable facts that Defendant might be dangerous. Officer Hartranft clocked Defendant driving at between 114 and 128

³ The stipulation regarding suppression of any and all incriminating statements made after the 6:13 time stamp of the M.V.R. necessarily does not address any statements made prior to the 6:13 time stamp. However, Defendant has not addressed suppression of these statements in his brief such that the issue is waived. Further, to the extent the statements made were incriminating, the relevance of the statements is *de minimis* in light of the stipulation regarding suppression of marijuana and my decision to suppress the other physical evidence seized during Officer Hartranft's search of the passenger compartment of Defendant's vehicle.

miles per hour—over twice the posted speed limit—during dark, early morning hours. Defendant exhibited evasive behavior by failing to yield to Officer Hartranft’s lights and sirens. As Officer Hartranft continued to follow Defendant’s vehicle, Officer Hartranft noticed Defendant reach toward the center console at least twice. When Defendant finally pulled over in response to the command that Hartranft blasted over his patrol car’s PA system, Defendant failed to stop talking on his phone and continued moving his hand toward the center console of his vehicle. These circumstances almost exactly mirror those present in In re O.J., where the Superior Court found that an officer “reasonably believed that a weapon may have been secreted in the console” of the at-issue vehicle. See In re O.J., 958 A.2d at 566.

The totality of the circumstances nevertheless indicate that Defendant was not able to gain immediate control of whatever weapons he may have had in his vehicle console. Precedent makes it clear that a console search can be valid even when a suspect is fully under the supervisory control of back-up officers or is secured in the searching officer’s patrol car. However, courts that have validated console searches in such cases emphasize the importance of a clear indication from the searching officer that the suspect was not going to be arrested and would be permitted to return to the vehicle at the conclusion of the search, reasoning that a suspect permitted to return to his vehicle could easily access the weapon to use against the officer. See e.g., In re O.J., 958 A.2d at 566 (finding a console search reasonable, even where the suspect was secured in a police cruiser, because the searching officer “**clearly** explained, he was not going to arrest either occupant of the car for the traffic violations that had occurred but planned to allow them to return to the car”) (emphasis supplied); Commonwealth v. Rosa, 734 A.2d 412, 416–17 (Pa. Super. 1999) (concluding that a console search was reasonable, even where the driver and passengers were fully supervised by two back-up officers, in part because it was “**clear** the three men would have been permitted to reenter the car if the handguns were not discovered”); see also Michigan v. Long, 463 U.S. 1032, 1052 (Pa. 1983) (explaining that, in addition to circumstances where an suspect might be able to break away from police control and retrieve a weapon, a suspect may also possess the ability to gain immediate control over weapons if the suspect is not placed under **custodial arrest** and will be permitted to reenter his automobile) (emphasis supplied).

At several points throughout his testimony, Officer Hartranft intimated that there was a possibility that he may not have arrested Defendant had he not found contraband in Defendant’s vehicle.⁴ While recognizing that the Supreme Court has refused “to hold that every time an individual is placed in handcuffs that such individual has been arrested,”

⁴ It should be noted that Officer Hartranft, knowing the issues raised in Defendant’s Motion to Suppress, could have simply said that he was going to release Defendant. To his credit, he did not do so, choosing instead to honor the oath he took to tell the truth as he honestly remembered it.

it is also well-established that “merely because a police officer says that an individual is not under arrest is not conclusive on whether an arrest was actually effectuated.” Commonwealth v. Rosas, 875 A.2d 341, 348–49 (Pa. Super. 2005). While I do not doubt the veracity of Officer Hartranft’s testimony, the test for determining whether an individual is under custodial arrest is “an objective one . . . viewed in the light of the reasonable impression conveyed to the person subjected to the seizure rather than the strictly subjective view of the officer[] or the person[] being seized.” Id. (quoting Commonwealth v. Conde, 822 A.2d 45, 53 (Pa. Super. 2003)).

Here, balancing all the circumstances of the detention, the record indicates that Defendant was under custodial arrest when Officer Hartranft searched the passenger compartment of Defendant’s vehicle. When Officer Hartranft first approached Defendant’s vehicle, he had his gun drawn and was pointing it directly at the driver’s side window on Defendant’s vehicle. After a brief encounter, Officer Hartranft pulled Defendant from his vehicle, turned him around to face the vehicle, and handcuffed him. As Officer Hartranft walked Defendant back to the police cruiser, Officer Hartranft told Defendant that he was “fleeing and eluding” and that he clocked Defendant traveling at 114 miles per hour such that “technically, we have reckless endangerment.” When Defendant asked Officer Hartranft if he was being detained, Officer Hartranft replied, “Yes, have a seat.” Defendant responded, “For what reason?”, to which Officer Hartranft stated, “At this point, reckless endangerment, have a seat, sit down in the car.”

Officer Hartranft testified that when he cuffed Defendant and placed him in the back of the patrol car, Officer Hartranft was under the impression that Defendant was fleeing and eluding, a misdemeanor or felony offense, and that the offense was completed at the time of detention—that Officer Hartranft possessed probable cause to charge Defendant with Fleeing or Attempting to Elude an Officer at the time he placed Defendant in the cruiser. Officer Hartranft confirmed that he did proceed to charge Defendant with Fleeing or Attempting to Elude, among other things. Although Officer Hartranft explained that there are certain instances where he may give warnings to, rather than arrest, individuals who appear to be fleeing and eluding, he limited such instances to situations where the driver does not actually see the officer trying to effectuate a stop or when the driver is having a medical issue. Officer Hartranft candidly recognized that such circumstances were clearly not present in the instant case. Finally, Officer Hartranft ultimately did arrest Defendant and charged him with, among other things, Fleeing or Attempting to Elude, an M2.

For these reasons, I find that when Officer Hartranft handcuffed Defendant and placed him in the back of the police cruiser, Defendant was under custodial arrest and was not going to be permitted to reenter his vehicle. The search of Defendant’s passenger compartment was not

a valid protective sweep as there was no chance that Defendant was going to regain immediate control of any weapons located in his vehicle.⁵

CONCLUSION

Under the facts presented, this is a very close call. However, it has always been my position that in such circumstances, I should err on the side of the Constitution. Accordingly, for the foregoing reasons, the fruits of Officer Hartranft's illegal search of Defendant's passenger compartment—the pistol, the digital scale, and the hookah—must be suppressed. Further, as stipulated by counsel, any incriminating statements made after the 6:13 time stamp on Officer Hartranft's M.V.R. must also be suppressed, as must the small amount of marijuana seized during the incident.

⁵ Although the search may have been invalid, Officer Hartranft should be commended for the professionalism and restraint he demonstrated in this encounter. Defendant was driving at an outrageously high speed and, when he ultimately did pull over, he was incredibly disrespectful in both his behavior and his language to the Officer. Despite that, Officer Hartranft nonetheless maintained a controlled and highly professional demeanor throughout the entire interaction.

ORDER

AND NOW, this 25 day of April, 2022, upon consideration of the Motion to Suppress Evidence filed by Defendant, Deshawn Perez, after conducting an evidentiary hearing thereon, and upon consideration of briefs filed by both Defendant and the Commonwealth:

IT IS HEREBY ORDERED that Defendant's Motion to Suppress is **GRANTED** as further outlined in this Court's Findings of Fact and Conclusions of Law, dated April 25, 2022.

BY THE COURT:

JEFFERY D. WRIGHT
JUDGE

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

Bambrick, Susan E., dec'd.

Late of Lancaster City.
Executor: Ron E. Bambrick c/o Young and Young 44 S. Main Street, P.O. Box 126 Manheim, PA 17545.
Attorney: Young and Young.

Chapman, Lynn M. a/k/a Lynn Marlene Chapman, dec'd.

Late of Christiana Borough.
Executor: Bruce G. Chapman, 1895 Brigden Rd., Pasadena, CA 91104.
Attorney: David W. Birnbaum, Howland, Hess, Guinan, Torpey, Cassidy, O'Connell & Birnbaum, LLP, 2444 Huntingdon Pike, Huntingdon Valley, PA 19006.

Collins, Pauline M., dec'd.

Late of New Holland.
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Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.

Attorneys: Good & Harris, LLP.

Cooper, Robert R., dec'd.

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Deibler, Kevin Paul, dec'd.

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Hawk, Bonita D., dec'd.
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Miller, Charles Kenneth a/k/a

C. Kenneth Miller, a/k/a Charles K. Miller, dec'd.

Late of Christiana Borough.
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Moore, Marie R., dec'd.

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Morgan, Glen H., dec'd.

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Mohler, Beth A., dec'd.

Late of Manor Township.
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Poleski, P. Elaine, dec'd.

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Late of Manor Township.
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Shaffer, James D., dec'd.

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Attorney: None.

Sheetz, Robert S., dec'd.

Late of Elizabethtown Borough.
Executor: Rodney G. Sheetz c/o
Randall K. Miller, Esquire, 700
North Duke Street, P.O. Box
4686, Lancaster, PA.
Attorney: Randall K. Miller, Esq.

**Shenk, Marian R. a/k/a Marian
Harnish Root Shenk**, dec'd.

Late of East Lampeter Town-
ship.
Co-Executors: Darlene Shenk
VanOrmer, John C. Shenk c/o
Ann L. Martin, Attorney, P.O.
Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill &
Hess LLP.

**Sonnon, Melvin R., Sr., a/k/a
Melvin Ray Sonnon, Sr.**, dec'd.

Late of Mount Joy Borough.
Executor: Melvin R. Sonnon, Jr.
c/o Randall K. Miller, Esquire,
P.O. Box 4686, Lancaster, PA
17604.
Attorney: Randall K. Miller, Es-
quire.

SECOND PUBLICATION

Andriulli, Robert, dec'd.

Late of Millersville.
Executrix: Marilu Sieber c/o
Patti Spencer, Spencer Law
Firm, 320 Race Ave., Lancaster,
PA 17603.
Attorney: None.

Burkhart, Arthur Ray, III a/k/a

Arthur R. Burkhart, III, dec'd.

Late of Clay Township.
Executrix: Lauren N. Shephen-
son, 3 Drayton Court, Mechan-
icsburg, PA 17055.
Attorney: None.

Ebersol, Nancy M., dec'd.

Late of Leola.
Executor: Michael E. Ebersol
c/o Good & Harris, LLP, 132
West Main Street, New Holland,
PA 17557.
Attorneys: Good & Harris, LLP.

Eitnier, William B., dec'd.

Late of East Lampeter Town-
ship.
Executor: James R. Zimmer-
man c/o John R. Gibbel, Attor-
ney, P.O. Box 5394, Lancaster,
PA 17606.
Attorney: Gibbel Kraybill &
Hess, LLP.

**Habacker, Jay R. a/k/a Jay
Robert Habecker**, dec'd.

Late of East Hempfield Town-
ship.
Co-Executors: Kathy H. Gad-
des, Keith A. Habecker c/o
Douglas A. Smith, Attorney,
P.O. Box 5349, Lancaster, PA
17606.
Attorneys: Gibbel Kraybill &
Hess LLP.

Hibshman, Joan S., dec'd.

Late of Ephrata Borough.
Executor: Bradley L. Hibshman
c/o Kling, Deibler & Glick, LLP,
131 W. Main Street, New Hol-
land, PA 17557.
Attorney: Linda Kling, Esq.,
Kling, Deibler & Glick, LLP.

Holmes, Shirley G., dec'd.

Late of West Lampeter Town-
ship.

Executor: Melynda Holmes c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Matthew A. Grosh.

Lawrence, William L. a/k/a William Lee Lawrence, dec'd.

Late of Clay Township.

Administratrix: Cheryl A. Lawrence c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

Myers, Susan M., dec'd.

Late of Manor Township.

Administrator: Thomas M. Gish, Sr. c/o John R. Gibbel, Attorney, P.O. Box 5394, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess, LLP.

Rivera, Estrella, dec'd.

Late of Lancaster City.

Executor: Luis Gonzalez c/o Jeffrey R. Bellomo, Esq., Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.

Attorney: Jeffrey R. Bellomo, Esq.

Suk, William, Jr., dec'd.

Late of Manheim Township.

Executrix: Wanda Osborn c/o Gregory M. Lane, Esq., 2617 N. Second Street, Harrisburg, PA 17110.

Attorney: Gregory M. Lane, Esq.

Sweigart, Rodney G., dec'd.

Late of East Cocalico Township.

Executor: Steven Sweigart 201 Reistville Road, Myerstown, PA 17067.

Attorney: Elizabeth Roberts Fiorini, Esq., Fiorini Law, P.C.,

1150 W. Penn Avenue, Womelsdorf, PA 19567.

Waller, Lynette E., dec'd.

Late of West Donegal Township. Executor: Clayton C. Cloen, Jr. c/o George W. Porter, Esq., 909 East Chocolate Avenue, Hershey, PA 17033.

Attorney: George W. Porter, Esq.

THIRD PUBLICATION

Bertelman, Janet F., dec'd.

Late of Manor Township.

Executrix: Janell J. Berté, 1560 Stone Mill Rd., Lancaster, PA 17603.

Attorney: None.

Bomberger, David L., dec'd.

Late of West Earl Township.

Administratrix: Krysta L. Barnhart c/o 2627 Lititz Pike Lancaster, PA 17061.

Attorney: Matthew A. Bomberger, Esq., 2627 Lititz Pike Lancaster, PA 17061.

Bruner, Carol Jean, dec'd.

Late of West Hempfield Township.

Executrix: Patricia Lee Gravelle c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

Collins, Joyce C., dec'd.

Late of West Lampeter Township.

Co-Executors: Robert F. Collins, Carl W. Collins c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNeese Wallace & Nurick LLC.

Eckman, Ross D. a/k/a Ross David Eckman a/k/a Ross Eckman, dec'd.

Late of Fulton Township.
Executrix: Pamela J. Eckman
c/o James S. Tupitza, Esquire,
212 W. Gay Street, West Chester, PA 19380.
Attorney: James S. Tupitza, Esquire, Tupitza & Associates, P.C., 212 W. Gay Street, West Chester, PA 19380.

Erb, Joan C., dec'd.

Late of Lititz.
Executrix: Kathryn C. Kiskaddon.
Attorney: Lindsay Casadei, Esq., Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.

Evans, Annmarie E., dec'd.

Late of East Hempfield Township.
Executrix: Pamela L. Doll, 744 Robin Road, Lancaster, PA 17601.
Attorney: Kenneth C. Sandoe, Esquire, Steiner & Sandoe, Attorneys.

Getz, Gregory Ivan, dec'd.

Late of Lancaster City.
Administrator: James N. Boudier, 301 W. Donegal Street, Mount Joy, PA 17552.
Attorney: Clayton A. Lingg, Esquire, MOONEY LAW, 230 York Street, Hanover, PA 17331.

Glick, Mary G., dec'd.

Late of Upper Leacock Township.
Executor: Chester Zook c/o James N. Clymer, Esq. 408 West

Chestnut Street. Lancaster, PA 17603.

Attorney: Clymer Musser & Samo, PC.

Gonzalez, Mariano A., dec'd.

Late of Manor Township.
Executor: M. Brian Gonzalez
c/o Jeffrey C. Goss, Esquire,
480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

Green, Michiko, dec'd.

Late of Salisbury Township.
Administrator: Patricia A. Logue
c/o Kling, Deibler & Glick, LLP,
131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

Hartnett, Ruth K., dec'd.

Late of West Hempfield Township.
Executor: Christina Milsom, c/o 327 Locust Street, Columbia, PA 17512.
Attorney: Michael S. Grab, Esquire, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Haynick, Marla L., dec'd.

Late of East Lampeter Township.
Executrix: Heather M. Martin
c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster PA 17602.
Attorney: Samuel M. Mecum.

Hennessey, Karen L., a/k/a Hennessey, Karen Lynn, dec'd.

Late of Providence Township.
Executor: Sean Hennessey c/o Brian Honness, Esquire McNeese, Wallace & Nurick LLC 570 Lausch Lane, Suite 200, Lan-

caster, PA 17601.
Attorney: McNeese Wallace &
Nurick LLC.

Kinch, Blanche I. a/k/a Blanche N. Kinch, dec'd.

Late of West Donegal Township.
Executor: William P. Kinch,
3569 State Route 209, Elizabethtown, PA 17023.
Attorney: Gregory M. Kerwin,
Esq., Kerwin & Kerwin, LLP,
4245 State Route 209, Elizabethtown, PA 17023.

Lewis, Elizabeth O. a/k/a Elizabeth O'Shea Lewis a/k/a Elizabeth Lewis, dec'd.

Late of East Hempfield Township.
Executrices: Susan Luton-Prentiss, Cheri Rutt Work
c/o Appel Yost & Zee LLP, 33
North Duke Street, Lancaster
PA 17602.
Attorney: James W. Appel.

Mack, Audrey S., dec'd.

Late of Mount Joy Borough.
Executor: Carolyn M. Rineer
c/o May Herr & Grosh, LLP,
234 North Duke Street, Lancaster, PA 17602.
Attorney: Bradley A. Zuke.

Maulick, Robert W., dec'd.

Late of East Cocalico Township.
Executrix: Janice E. Maulick
c/o Masano Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.
Attorney: Karen H. Cook, Esquire, Masano Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.

Meashey, James A., dec'd.

Late of East Cocalico Township.
Administrator: Joshua J. Kelli-

son c/o Gardner and Stevens,
P.C., 109 West Main Street,
Ephrata, PA 17522.
Attorney: Kurt A. Gardner.

Riehl, Moses B., dec'd.

Late of Paradise Township.
Executor: Jacob M. Riehl, Elizabeth Marie Stoltzfus c/o David P. Carson, 2547 Lititz Pike, Lancaster, PA 17601.
Attorney: David P. Carson.

Russell, Marian L., dec'd.

Late of Martic Township.
Executrix: Janie R. Barton, P.O.
Box 2, Pequea PA, 17565.
Attorney: Jay M. Whittington,
Esq., 8 North Queen St., Ste.
302, Lancaster, PA 17603.

Sauber, Henry E., dec'd.

Late of West Lampeter Township.
Executrix: Emma L. Greer c/o
Law Office of James Clark, 277
Millwood Road, Lancaster, PA
17603.
Attorney: James R. Clark.

Schell, Patricia L., dec'd.

Late of East Lampeter Township.
Executor: Jeffrey A. Albourn
c/o Eric Schelin Rothermel,
Esquire, 49 North Duke Street,
Lancaster, PA 17602.
Attorney: May, Herr & Grosh,
LLP.

Seymour, Shaun A., dec'd.

Late of Earl Township.
Executor: Shaun A. Seymour, II
c/o Kling, Deibler & Glick, LLP,
131 W. Main Street, New Holland, PA 17557.
Attorney: Linda Kling, Esq.,
Kling, Deibler & Glick, LLP.

Smoker, Esther B., dec'd.
Late of Manheim Township.
Executor: Carl L. Smoker c/o
Kling, Deibler & Glick, LLP, 131
W. Main Street, New Holland,
PA 17557.
Attorney: Linda Kling, Esq.,
Kling, Deibler & Glick, LLP.

1988. FOX ROTHSCHILD LLP,
Solicitors, 747 Constitution Dr.,
Ste. 100, P.O. Box 673, Exton, PA
19341-0673.

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Ward, Bessie Mae, dec'd.
Late of Lancaster Borough.
Executor: Grace C. Nguyen
Bond c/o Blakinger Thomas,
PC, 28 Penn Square, Lancaster,
PA 17603.
Attorneys: Blakinger Thomas,
PC.

**Gravenor Sipler Funeral &
Cremation Centre, Inc.** has been
incorporated under the provisions
of the Business Corporation Law
of 1988.

GIBBEL KRAYBILL & HESS LLP
Attorneys

J-21

ARTICLES OF DISSOLUTION

NOTICE IS HEREBY GIVEN
THAT the **Board of Directors of
Teaching the Word Ministries**,
a Pennsylvania nonprofit corpora-
tion, with an address at 332
Hartman Bridge Road, Ronks, PA
17572, has approved a proposal
that the corporation voluntarily
dissolve, and that the Board of Di-
rectors is now engaged in winding
up and settling the affairs of the
corporation under the provisions
of Section 5975 of the Pennsylva-
nia Nonprofit Corporation Law.
GIBBEL KRAYBILL & HESS LLP
Attorneys

J-21

ARTICLES OF INCORPORATION

PROFESSIONAL CORP. - NO-
TICE IS HEREBY GIVEN THAT, on
May 18, 2023, Articles of Incorpora-
tion were filed with the Depart-
ment of State for **LANCASTER
KETAMINE MEDICAL GROUP,
P.C.**, a professional corporation
organized under the Pennsylva-
nia Business Corporation Law of

CHANGE OF NAME NOTICES

No: 2023-01205

IN RE: NAME CHANGE OF BISH-
OP ANTHONY VILLARREAL

NOTICE IS HEREBY GIVEN
that on May 11, 2023, the Petition
of Bishop A. Villarreal, Randy J.
Rice and Toni M. Rice was filed in
the above Court praying for a De-
cree to change the name of **Bish-
op Anthony Villarreal** to Bishop
Anthony Rice.

The Court has fixed the 8th day
of August, 2023, at 11:30 a.m. in
Courtroom No. 11 of the Lancast-
er County Courthouse, 50 North
Duke Street, Lancaster, Pennsyl-
vania, for a hearing of said Peti-
tion, when and where all persons
interested may appear and show
cause, if any, why said Petition
should not be granted.

KURT A. GARDNER, ESQUIRE

J-21, 28

Notice is hereby given that
Elizabeth Chaparro has filed a
petition in the Court of Common
Pleas of Lancaster County, dock-
eted therein at CI-23-02670, re-
questing the court to change the
name of her minor child, E.L.L.S.

to E.L.L.C. A hearing has been scheduled for September 7, 2023 at 2:30 pm in Courtroom 4 of the Lancaster County Courthouse, 50 N Duke Street, Lancaster Pennsylvania, at which time anyone having any objection to the petition may be heard.

Robert Bacher, Esquire

J-21

NOTICE IS HEREBY GIVEN that a Petition has been filed in me Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of **Robert Arthur Evans, III** to ROBERT STEPHEN SALVATICO. A hearing on the Petition will be held on July 31, 2023 at 2:00pm in Courtroom No. 4 at the Lancaster County Courthouse. SO 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.

Gerryanne Cauler, Esquire.

J-21

FICTITIOUS NAME NOTICE

Notice is hereby given that David B. Fisher, 48 West Newport Road, Lititz PA 17543, did file in the Office of the Secretary of the Commonwealth of Pennsylvania on May 24, 2023, registration of the name:

LIME ROCK GREENHOUSE

under which it intends to do business at 48 West Newport Road, Lititz PA 17543, pursuant to the provisions of the Act of Assembly of December 16, 1982, Chapter 3, known as the "Fictitious Name Act".

NICHOLAS T. GARD, ESQUIRE

SMOKER GARD ASSOCIATES
LLP

J-21

ORPHANS' COURT NOTICE

Orphans' Court Division
Auditing Notices

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons, minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on

August 1, 2023

at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA

1. DODGE, MARGARETHA G. decd., 2016-2293. Partial Acct., J. Ronald Risser, Arthur B. Dodge III & Andrew N. Dodge, Exec., Jesse C. Robinson, atty.
2. HOLBEIN, E. ARLENE, decd., 2022-1012. Account, Diane L. Supple, Exec., Lindsay M. Schoeneberger, atty.
3. HOLBEIN, E. ARLENE, Revocable Trust, 2022-1012. Account, Diane L. Supple, Trustee, Lindsay M. Schoeneberger, atty.

4. LAPP, JACOB H., decd., 2022-1215. First & Final Acct., Mary Stoltzfus & Elizabeth Lapp, Exec., Nicholas T. Gard, atty.
5. PARASCHOS, KIMBERLY JEAN, decd., 2022-0941. First & Final Acct., Robert Paraschos, Admin., Marc Vogin, atty.
6. LUDGATE, ELIZABETH S., Trust under will. 36-1974-0883. Account. Fulton Bank, N.A./ Fulton Financial Advisors Division, Co-Trustee. Nancy Mayer Hughes, atty.
7. BROWN, BENJAMIN L., decd., 2022-0774. First & Final Acct., Jasmine C. Brown, Admin., Julia M. Parrish, atty.
8. BARENDREGT, PETER FRANK AND FRANCES KARYOL BARENDREGT, Revocable Living Trust. 2022-0641. First & Final Acct. Debra D. Sands, Trustee. John W. Metzger, atty.
9. HIGH, SAMUEL W. decd., 2014-0871. Account. Christian D. High, Admin., Darrell N. VanOrmer, Jr., atty.
10. WILSON, RICHARD W. decd., 2021-2052. Account. Katie L. Coover, Admin., Daniel A. Stephenson, atty.

Anne L. Cooper
 Clerk of the Orphans' Court
 Division
 of the Court of Common Pleas.
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SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

July 05, 2023
 to July 12, 2023

ADAMS, CHRISTOPHER; Gardner & Stevens, P.C.; 04651; Stevens

AMINTO, MARCO; Crystal Whitico; 04727; Mahan

BONGIOVANNI, ROSARIO; BONGIOVANNI, MARIO; Marie Cornish; 04771; Justice

BOOTH, RICHARD; Valley View Capital LLC; 04757; Sarno

BRINKMAN, DAVID, BRINKMAN, DAVID M.; Discover Bank; 04753; Strand

BUTTS, CHRISTINA M., BUTTS, SHELBRIA C.; PPL Electric Utilities Corp; 04668; Manley

COMMONWEALTH OF PA DEPARTMENT OF TRANSPORTATION; Ranga Lal Chamlagai; 04636

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; Elizabeth Ann Grisafi; 04748

FURAHA, JOYEUSE; Jerry L. Lott; 04639; Rankin

GROSSMAN, PAIGE; Stacey Samii; 04618; Soll

GURUNG, BIRJU; Dawn Harmon; 04711; Lang

JOHN DOE; Secretary Of Veterans Affairs; 04623; Shavel

JOHNSON, LOGAN A., JOHNSON, ALEXANDER; Khadijah Acosta; 04627; Simon

KRAMER, OLIVIA ASHLEY;
Trudy Shiroma-Koeffler; 04622;
Mayerson

KRATE SOFT LLC, KELLER,
KRAIG; Alexandra Geib; 04710;
Curley

MENTZER, MICHELLE; Chris
Miller; 04688

ROLDAN, NICHOLAS; Liberty
Mutual; 04715; Vachhrajani

SOFILLAS, KONSTANTINOS G.;
Charles F Snyder Funeral Home
& Crematory Inc.; 04762

SUPPLEE, BONNIE; Heather L.
Pavelites; 04603; Anderson

WOODRING, CAROL R.; Asiya
Mirzayeva; 04643; Van Der Veen



The advertisement is a vertical rectangular graphic with a light blue background. At the top left, there is a blue silhouette of a human head in profile, facing left. Inside the head is a white speech bubble containing the text "LETS TALK ABOUT MENTAL HEALTH" in blue, all-caps, sans-serif font. To the right of the head, the text "Depressed? Stressed? Anxious? Overwhelmed?" is written in a bold, black, sans-serif font, stacked in four lines. Below this, a black horizontal bar contains the text "YOU ARE NOT ALONE." in white, bold, sans-serif font. Underneath the black bar, the text "LAWYERS CONCERNED FOR LAWYERS" is written in a blue, serif font, with "PENNSYLVANIA" in a smaller blue, serif font below it. A thin blue horizontal line is above and below the "LAWYERS CONCERNED FOR LAWYERS" text. Below "PENNSYLVANIA", the website address "www.lclpa.org" is written in a blue, sans-serif font. At the bottom, a black horizontal bar contains the text "LCL CONFIDENTIAL HELPLINE" in white, bold, sans-serif font, with "1-888-999-1941" in a larger white, bold, sans-serif font below it.