



Chester County Law Reporter

(USPS 102-900)

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Chester County Law Reporter

(USPS 102-900)

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Bierer vs. Wegman's Food Markets, Inc.

Affirmative defense – Preexisting condition - Motion to Quash subpoena

1. An affirmative defense is a defense which pertains to a defendant's assertion of facts and arguments that, if true, will defeat the plaintiff's claim, even if all the allegations in the complaint are true.
2. A preexisting condition does not defeat a plaintiff's claim.
3. Preexisting condition is not within the definition of affirmative defense.
4. Frequently, a plaintiff's injuries are superimposed upon a preexisting condition and the defendant is liable for the full extent of the damage they have inflicted even if it is greater than they could have foreseen.
5. It is firmly established in Pennsylvania that the tortfeasor takes the plaintiff as the tortfeasor finds them and a wrongdoer is liable for all harm caused by their negligent act, though increased by an unknown physical condition that could not have been discovered or anticipated prior to the wrongdoing.
6. Rule 1030 sets forth the following affirmative defenses: accord and satisfaction; arbitration and award; consent; discharge in bankruptcy; duress; estoppel; failure of consideration; fair comment; fraud; illegality; immunity from suit; impossibility of performance; justification; laches; license; payment; privilege; release; res judicata; statute of frauds; statute of limitations; truth; waiver; assumption of the risk; comparative negligence; and contributory negligence.
7. Plaintiff has brought this suit alleging she was injured when she slipped and fell. Plaintiff asks this court to quash the subpoenas that Defendant served on five persons who were Plaintiff's workplace supervisors before the alleged slip-and-fall and could potentially testify to Plaintiff's pre-existing conditions. Plaintiff argues that Defendant has no right to pursue information related to Plaintiff's preexisting condition because preexisting condition is an affirmative defense that Defendant failed to plead as new matter and therefore waived. The Court Held Plaintiff's Motion to Quash Deposition Subpoenas and for a Protective Order was denied.

R.E.M.

C.C.P. Chester County, Pennsylvania Civil Action No. 2023—03534-TT; Darlen Bierer vs. Wegman's Food Markets, Inc.

Shawn A. Ricci for Plaintiff
Edward A. Greenberg for Defendant
Binder, June 20, 2024:-

DARLENE BIERER,

Plaintiff

vs.

WEGMANS FOOD MARKETS, INC.,

Defendant

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

No. 2023-03534-TT

CIVIL ACTION – LAW

ORDER and MEMORANDUM

AND NOW, this 20th day of June, 2024, upon consideration of Plaintiff's Motion to Quash Deposition Subpoenas and for Protective Order filed May 28, 2024 and Defendant's response in opposition thereto, for the reasons set forth in the accompanying Memorandum it is hereby **ORDERED** that the Motion is **DENIED**.

BY THE COURT:/s/ **BRET M. BINDER, J.**

MEMORANDUM

Plaintiff has brought this suit alleging she was injured when she slipped and fell in the entranceway of a Wegmans supermarket.

Presently before this court is Plaintiff's Motion to Quash Deposition Subpoenas and for Protective Order filed May 28, 2024. Plaintiff asks this court to quash the subpoenas that Defendant served on five (5) persons who were Plaintiff's workplace supervisors before the alleged slip-and-fall that gave rise to this case. Defendant seeks to depose Plaintiff's former supervisors to discover information "related to Plaintiff's pre-existing conditions related to her back and knees." Motion, 5/28/2024, ¶ 18. Plaintiff argues that Defendant has no right to pursue information related to Plaintiff's preexisting condition because "preexisting condition" is an affirmative defense that Defendant failed to plead as new matter which is therefore waived. Motion, 5/28/2024, ¶¶ 19-21. Plaintiff cites Pope & Talbot v. W.C.A.B. (Pawlowski), 949 A.2d 361 (Pa. Cmwlth. 2008) for the proposition that "The defense of 'pre-existing condition' is an affirmative defense which must be pled." Motion, 5/28/2024, ¶ 19.

Defendant opposes Plaintiff's Motion arguing that Plaintiff's prior supervisors are expected to "have knowledge regarding Plaintiff's baseline physical and emotional conditions both prior to the fall and after which, of course, is relevant to the determination of whether Plaintiff's alleged pain and suffering is attributable to her fall at Wegmans." Brief, 6/3/2024, p. 3. Defendant distinguishes Pope & Talbot as follows:

The Pope Court noted that in the context of a workers' compensation claimant's request for reinstatement following a suspension of benefits, the claimant's employer has the burden of proving, as an affirmative defense, that the claimant's present injury arose during the course and scope of their work for another employer. Nothing about the Pope case, or any other case in the Commonwealth for that matter, supports the proposition that a defendant in a personal injury case must plead "preexisting condition" as an affirmative defense or risk waiver of the issue.

Brief, 6/3/2024, p. 4.

Here, this court agrees with Defendant that Plaintiff's reliance on Pope & Talbot is misplaced. The claimant in Pope & Talbot had a prior shoulder injury and the issue was whether claimant's present shoulder injury was a recurrence (for which Pope & Talbot would be solely liable under the Workers' Compensation Act) or an aggravation (for which claimant's subsequent employer would be solely liable under the Workers' Compensation Act). The Commonwealth Court explained that "the burden is on the employer, in the nature of an affirmative defense, to demonstrate that the disability is, in fact, attributable to . . . a different employer." 949 A.2d at 368 (ellipses in original) (quoting McNulty v. Workers' Compensation Appeal Board (McNulty Tool & Die), 804 A.2d 1260, 1264 (Pa.Cmwlth. 2002)). The affirmative defense of aggravation

was established because Pope & Talbot proved that “the later incident materially contributed to the condition causing the disability at issue.” Pope & Talbot, 949 A.2d at 369. The claimant’s later injury was found to be an aggravation and Pope & Talbot not liable.

Pope & Talbot did not hold that “preexisting condition” is an affirmative defense nor could it have. It is well-established that “An affirmative defense is a defense which pertains to ‘a defendant's assertion of facts and arguments that, if true, will defeat the plaintiff’s . . . claim, even if all the allegations in the complaint are true.’” Wiley v. Brooks, 263 A.3d 671, 674 (Pa.Super. 2021) (ellipses in original) (quoting Reott v. Asia Trend Inc., 55 A.3d 1088, 1095 (Pa. 2012)). It is well-established that a preexisting condition does not defeat a plaintiff’s claim. Pa. SSJI (Civ) 7.70 (Preexisting Condition or Injury).¹ It follows that “preexisting condition” is not within the definition of affirmative defense. Further, it is worth noting that the existence of a preexisting condition is common and yet “preexisting condition” is not listed as an affirmative defense at Pa.R.Civ.P. 1030 (New Matter).²

Accordingly, for the reasons set forth above this court will enter an order denying Plaintiff’s Motion to Quash Deposition Subpoenas and for Protective Order filed May 28, 2024.

¹ The standard jury instruction explains that “Frequently, a plaintiff’s injuries are superimposed upon a preexisting condition [and t]he defendant is liable for the full extent of the damage they have inflicted even if it is greater than they could have foreseen.” Pa. SSJI (Civ) 7.70 (Subcommittee Note) (citations omitted). Similarly, “It is firmly established in Pennsylvania that the tortfeasor takes the plaintiff as the tortfeasor finds them [and a] wrongdoer is liable for all harm caused by their negligent act, though increased by an unknown physical condition that could not have been discovered or anticipated prior to the wrongdoing.” *Id.* (citation omitted).

² The Rule sets forth as affirmative defenses: (1) accord and satisfaction; (2) arbitration and award; (3) consent; (4) discharge in bankruptcy; (5) duress; (6) estoppel; (7) failure of consideration; (8) fair comment; (9) fraud; (10) illegality; (11) immunity from suit; (12) impossibility of performance; (13) justification; (14) laches; (15) license; (16) payment; (17); privilege; (18) release; (19) *res judicata*; (20) statute of frauds; (21) statute of limitations; (22) truth; and (23) waiver. Pa.R.Civ. 1030(a). *See also* Pa.R.Civ.P. 1030(b) (listing affirmative defenses of: (1) assumption of the risk; (2) comparative negligence; and (3) contributory negligence).

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Chester County Court of Common Pleas
Orphans' Court Division
CALL OF THE AUDIT LIST
THE HONORABLE JOHN L. HALL COURTROOM 5
WEDNESDAY, FEBRUARY 05, 2025 09:00 AM

RICHARD C. BLANCHARD
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

15-23-1000

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NOTICES

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CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2024-09302-NC

NOTICE IS HEREBY GIVEN that the name change petition of Ernesto Fragaso was filed in the above-named court and will be heard on Friday, January 31, 2025 at 2:00:00 PM, in Courtroom 11 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Wednesday, October 16, 2024

Name to be changed from: Ernesto Fragaso to: Ernesto Fragoso

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

CHANGE OF NAME NOTICE

**IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2024-10550-NC

NOTICE IS HEREBY GIVEN that the name change petition of Rosine Lore Nguimgo Passo was filed in the above-named court and will be heard on Friday, March 21, 2025 at 2:00:00 PM, in Courtroom 6 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, November 22, 2024

Name to be changed from: Rosine Lore Nguimgo

Passo to: Nguimgo Rosinelore Passo-Elike

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE
IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA
CIVIL ACTION**

LAW NO. 2024-11542-NC

NOTICE IS HEREBY GIVEN that the name change petition of Anne Elizabeth Wingerd was filed in the above-named court and will be heard on Friday, April 11, 2025 at 2:00:00 PM, in Courtroom 2 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Monday, December 23, 2024

Name to be changed from: Anne Elizabeth Wingerd to: Anne Harp Wingerd

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed for **THE LOW DWELLER PRODUCTIONS PAYROLL, INC.** with the Commonwealth of Pennsylvania. The registered office is 921 Prescott Road, Berwyn, PA 19312 in Chester County. This corporation is incorporated under the provisions of the Business Corporation Law of 1988, as amended.

DISSOLUTION NOTICE

NOTICE is hereby given to all persons interested or who may be affected that **DOWNINGTON AREA SENIOR CENTER, INC.**, a PA Nonprofit Corporation, having a registered address at 751 E. Lancaster Ave., Downingtown, PA 19355, has filed Articles of Dissolution with the Dept. of State of the Commonwealth of PA and that its Board of Directors is now engaged in winding up and settling the affairs of the corporation so that its corporate existence shall be ended by the issuance of a Certificate of Dissolution under the PA Business Corporation Law of 1988. **GAWTHROP GREENWOOD, PC**, Solicitors, 17 E. Gay St., #100, P.O. Box 562, West Chester, PA 19381-0562

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the directors of Whitaker Fund, a Pennsylvania nonprofit corporation (the "Corporation"), with an address of 24 East Market St., West Chester, PA 19381, have approved a proposal that the corporation dissolve voluntarily and that the board of directors is now engaged in winding up and settling the affairs of the Corporation under the provisions of Section 5975 of the Pennsylvania Business Corporation Law of 1988. Karey Hampton, Esq.
Tovella Dowling, PC
501 W Broadway, Suite 1540
San Diego, CA 92101

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

BARR, Marjorie C., late of East Bradford Township. John F. Barr, 229 Hunting Hill Ln., West Chester, PA 19382 and Douglas R. Barr, 1163 W. Strasburg Rd., West Chester, PA 19382, care of KEVIN HOLLERAN, Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executors. KEVIN HOLLERAN, Esquire, Gawthrop Greenwood, PC, 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

CLEMSON, Paula M, late of West Goshen Township. Alan F. Clemson, care of LISA COMBER HALL, Esquire, 27 S Darlington Street, West Chester, PA 19382, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S Darlington Street, West Chester, PA 19382, atty.

CONNETT, Barbara Creamer, a/k/a Barbara C. Connett and Barbara Connett, late of East Pikeland Township. Thomas Connett, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301, Executor. CARRIE A. S. KENNEDY, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301, atty.

FLECK, Mary K, late of East Fallowfield. Robert R Fleck Jr., 4 Michael Court, Coatesville, PA 19320, and Donna L. Fleck, 2165 Strasburg Road, East Fallowfield Township, PA 19320, Executors.

GALLAGHER, Shannon J., a/k/a Shannon John Gallagher and Shannon Gallagher, late of Phoenixville Borough. Angelina Marie Capozzi, and Constance Capozzi, 3128 Morris Rd., Lansdale, PA 19446, care of JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Suite 10, Montgomeryville, PA 18936, Executrices. JEREMY Z. MITTMAN, Esquire, 593 Bethlehem Pike, Suite 10, Montgomeryville, PA 18936, atty.

GILBERT, Joyce A., late of Londonderry Township. Russell P. Gilbert, 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.

GREVY, Helen M., late of West Caln Township. Kerry Ann Metzger, 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.

LEPORE, Donald J., a/k/a Donald Lepore and Donald Joseph Lepore, late of New Garden Township. Justine M. Green, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executrix. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

MASON, Robert Oscar, a/k/a Robert O. Mason, late of Phoenixville Borough. Stephen I. Baer, 347 Bridge Street, Suite 200, Phoenixville, PA 19460, care of STEPHEN I. BAER, Esquire, 347 Bridge Street, Suite 200, Phoenixville, PA 19460, Executor. STEPHEN I. BAER, Esquire, O'Donnell, Weiss & Mattei, P.C., 347 Bridge Street, Suite 200, Phoenixville, PA 19460, atty.

MASSEY, Robert A., late of London Grove Township. Karyn L. Seace, CELA, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Administratrix. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

OAS, Ann L, late of West Chester. Charles Oas Jr., 213 E State St., Kennett Square PA 19348, care of EDWARD M FOLEY, Esquire, 213 E State St, Kennett Square PA 19348, Administrator. EDWARD M FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly LLP, 213 E State St, Kennett Square PA 19348, atty.

ROBINSON, Dirk K., a/k/a Dirk Killian Robinson, late of Avondale Borough. I. Christopher Robinson and Johanna Woodward, care of CAROLINA R. HEINLE, Esquire, 724 Yorklyn Rd., Ste. 100, Hockessin, DE 19707, Executors. CAROLINA R. HEINLE, Esquire, MacElree Harvey, LTD., 724 Yorklyn Rd., Ste. 100, Hockessin, DE 19707, atty.

ROBISON, Alice Poe, a/k/a Alice Mae Poe and Alice P. Robison, late of Phoenixville. Arch D. Robison, 1406 Country Lake Dr, Champaign IL 61821, Executor.

SMITH, Jeffrey Daniel, late of East Pikeland. Summer Smith, 431 Lee Avenue Spring City, PA 19475, Administratrix.

SMITH, Penelope L., a/k/a/ Penelope L. Smith Bennett, late of West Caln Township. Dwayne Bennett, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Executor. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

WAGNER, Dianne L, late of East Vincent Township. Jason C Wagner, care of JESSICA R. GRATER, Esquire, 740 E High Street, Pottstown, PA 19464, Executor. JESSICA R. GRATER, Esquire, Monas-tra & Grater, LLC, 740 E High Street, Pottstown, PA 19464, atty.

WASKIEWICZ, Stanley Thomas, a/k/a Stanley T Waskiewicz, late of Oxford. Mark S Waskiewicz, P.O. Box 2178, Aston, PA, 19014, Executor.

WHITE, Harold, late of East Coventry. Russell White, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

YATES, Ethel Kay, late of Lincoln University. Dale L. Yates, P.O. Box 180, 312 Lewisville Rd. New London PA 19360, Executor.

2nd Publication

ALTHOUSE, Donald, late of Parkesburg. Hubertha Althouse, care of JENNIFER WALKER, Esquire, 31 S. High St., Suite 200, West Chester PA 19382, Administratrix. JENNIFER WALKER, Esquire, Peak Legal Group, Ltd, 31 S. High St., Suite 200, West Chester PA 19382, atty.

CAVANAUGH, Patricia C., late of Coatesville. Lauren Cavanaugh, care of JENNIFER WALKER,

Esquire, 31 S. High St, Suite 200, West Chester PA 19382, Administratrix. JENNIFER WALKER, Esquire, Peak Legal Group, Ltd, 31 S. High St, Suite 200, West Chester PA 19382, atty.

DAVIS, Hazel Anita, a/k/a Anita Davis, late of Tredyffrin Township. Dennis N. Davis, 124 Marlin Road, Tuckerton, NJ, 08087, care of MORGAN K. GANS, Esquire, 360 Haddon Ave, Westmont, NJ 08108, Executor. MORGAN K. GANS, Esquire, Brown & Connery, LLP, 360 Haddon Ave, Westmont, NJ 08108, atty.

GAVIN, Victoria K., late of Phoenixville. June L. Battista, 173 Gateshead Way, Phoenixville, PA 19460, Administrator.

GRITT, Edward James, a/k/a Edward J. Gritt, late of Nottingham, West Nottingham Township. Kyle R. Gritt, 283 Tall Trees Circle, Downingtown, Pennsylvania 19335, and Allison E. Gritt, 108 Railroad Street, Phoenixville, Pennsylvania 19460, care of ROBERT S. DUBIN, Esquire, 819 Gatemore Road, Bryn Mawr, PA 19010, Executors. ROBERT S. DUBIN, Esquire, Robert S. Dubin, Attorney at Law, 819 Gatemore Road, Bryn Mawr, PA 19010, atty.

HARRIS, JR., Seidel D., late of Holland Twp, NJ. Michelle Harris, care of JENNIFER WALKER, Esquire, 31 S. High St. Suite 200, West Chester, PA 19382, Administratrix. JENNIFER WALKER, Esquire, Peak Legal Group, Ltd, 31 S. High St. Suite 200, West Chester, PA 19382, atty.

JEAN, Kelsey Elayna Perkins, late of West Whiteland. Michael R. Jean, care of DANIEL F. MONAHAN, Esquire, 535 N Church St., Suite 170, West Chester, PA 19380, Administrator. DANIEL F. MONAHAN, Esquire, Brandywine Estate and Elder Law, 535 N Church St., Suite 170, West Chester, PA 19380, atty.

JOHNSON, Bernard A., late of West Goshen Township. Robert L. Johnson, 945 S. New St., West Chester, PA 19382, care of STACEY W. MCCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY W. MCCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

KRAMER, Marian W., late of Borough of Kennett Square. Megan K. Minella, care of EMILY T. ABELS, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. EMILY T. ABELS, Esquire, Lar-more Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

LIGHT, Frank Allen, late of West Chester. Frank A Light Jr, 303 Reeceville Road Coatesville Pa 19320, Executor.

MANFREDI, Eleanor M., late of London Grove Township. Deborah Bowman, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

McNATT, Nancy Sue, late of Oxford. Warren D. McNatt, Jr., 261 Lancaster Pike, Oxford, PA, 19363, Executor.

MOFFA, Kathleen A., a/k/a Kathleen Moffa, late of Schuylkill Township. Michael J. Moffa, care of JAMES F. CARNEY, Esquire, 715 Twining Road, Suite 208, Dresher, PA 19025, Executor. JAMES F. CARNEY, Esquire, 715 Twining Road, Suite 208, Dresher, PA 19025, atty.

RICHARDS, Dolores L., late of East Bradford Township. Stevi Richards, care of ANDREW H. DOHAN, Esquire, 45 Liberty Blvd., Ste. 230, Malvern, PA 19355-1419, Executrix. ANDREW H. DOHAN, Esquire, Wisler Pearlstine, LLP, 45 Liberty Blvd., Ste. 230, Malvern, PA 19355-1419, atty.

ROYER, Robert D., late of Tredyffrin Township. Michelle Miller, care of WILLIAM B. COOPER, III, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executrix. WILLIAM B. COOPER, III, Esquire, Fox Rothschild, LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

SEYMOUR, Mirella Ann, late of Uwchlan. Alison McWilliams, 1408 Osprey Point Dr Virginia Beach, VA 23455, and Cynthia McCafferty, 518 Dublin Drive Downingtown PA 19335, Executrices.

SHIELDS, Alice V, late of East Goshen. John J Shields Jr, 5 Cella Dr, Upper Chichester, PA 19014, Executor.

SHIELDS, Mary T, late of East Goshen. John J Shields Jr, 5 Cella Dr, Upper Chichester, PA 19014, Executor.

SMELTZER, Daniel, late of Easttown Twp, Berwyn. Karen M Howes, PO Box 3204, Williamsport, PA 17701, Administratrix.

3rd Publication

AMOLE, JR., Paul J., late of Coatesville. Robert J. Amole, Jr., care of ANITA FULWILER O'MEARA, Esquire, P. O. Box 209, Unionville, PA 19375, Administrator C.T.A.. ANITA FULWILER O'MEARA,

Esquire, The O'Meara Law Firm, PC, P. O. Box 209, Unionville, PA 19375, atty.

BOYD, Karen L. a/k/a Karen Lee Boyd, late of East Whiteland Township. Bryan G. Boyd, care of JOHN YANOSHAK, Esquire, 17 E. Front St., P.O. Box 626, Media, PA 19063, Executor. JOHN YANOSHAK, Esquire, KAO Law Associates, 17 E. Front St., P.O. Box 626, Media, PA 19063, atty.

COOLEY, Kenneth Michael, a/k/a Kenneth M. Cooley, late of Penn Township. Maria K. Cooley, care of WILLIAM B. COOPER, III, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executrix. WILLIAM B. COOPER, III, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

GREENFIELD, JR., Walter H., late of East Goshen Township. Elise Furman, care of JOHN S. CUSTER, III, Esquire, 7 Saint Albans Circle, Newtown Square, PA 19073, Executrix. JOHN S. CUSTER, III, Esquire, Custer & Custer, 7 Saint Albans Circle, Newtown Square, PA 19073, atty.

HUTCHINSON, James R., late of East Goshen Township. Suzanne Hutchinson, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, Administratrix. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices LLC, 16 Industrial Blvd., Ste. 211, Paoli, PA 19301, atty.

JARVIS, Joan, a/k/a Joan Dolores Jarvis and Joan D. Jarvis, late of East Marlborough Township. Jeanne Jarvis Best, 6 Rockford Crossing Dr., Kennett Square, PA 19348., Executrix.

LOCILENTO, JR., Arthur Thomas, a/k/a Arthur T. Locilento, Jr., late of East Nantmeal Township. Mercedes Locilento, care of DUKE K. SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. DUKE K. SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

MANGIARDI, Audrey Marie, late of West Chester. Lawrence Steven Dunn, 413 Valley Rd Haverstown PA 19083, Executor.

MARRA, Mary Ellen, late of Uwchlan Township. Michelle Marra-Waugh, 300 Landers Court, Exton, PA 19341, care of KRISTEN R. MATTHEWS, Esquire, 14 E. Welsh Pool Rd., Exton, PA 19341, Executrix. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews LAW, 14 E. Welsh Pool Rd., Exton, PA 19341, atty.

McLEOD, John Robert, late of Borough of Coatesville. Donna Dunlap, care of EDWARD

M. FOLEY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Administratrix CTA. EDWARD M. FOLEY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty

NOONE, Steven R., late of East Nantmeal Township. Roger P. Noone, care of DUKE K. SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 19382, Executor. DUKE K. SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

SMEDLEY-SEIBERT, Mary, a/k/a Mary Smedley Seibert, late of Wallace Township. F. John Seibert, Jr., care of MICHAEL C. McBRATNIE, Esquire, P.O. Box 673, Exton, PA 19341-0673, Executor. MICHAEL C. McBRATNIE, Esquire, Fox Rothschild LLP, P.O. Box 673, Exton, PA 19341-0673, atty.

SMITH, Joseph A., late of Willistown Township. Nicole R. LeBlanc, care of NICHOLAS M. ORLOFF, Esquire, 1 W. Third St., Media, PA 19063, Executrix. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 W. Third St., Media, PA 19063, atty.

TAYLOR, Ann Gilpin, a/k/a Ann G. Taylor, late of Tredyffrin Township. David S. Taylor and Lawrence D. Taylor, care of MICHAEL W. MILLS, Esquire, 131 W. State St., P.O. Box 50, Doylestown, PA 18901, Executors. MICHAEL W. MILLS, Esquire, Antheil, Maslow & MacMinn, LLP, 131 W. State St., P.O. Box 50, Doylestown, PA 18901, atty.

FICTITIOUS NAME

PUBLIC NOTICE FICTITIOUS NAME NOTICE IS HEREBY GIVEN that pursuant to the provision of the Fictitious Name Act, a fictitious name registration was filed with the Pennsylvania Department of State by Emperion, inc., 440 E Swedesford Rd, Ste 1010, Wayne, PA 19087 to carry on business in Chester County, Pennsylvania under the assumed name or fictitious name, style or designation of Emperion MCN with an address of 440 E Swedesford Rd, Ste 1010, Wayne, PA 19087. Said registration was filed on 12/5/24.

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 ficti-

tious 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

LS Design, with its principal place of business at 2 Waterview Rd Apt L01, West Chester, Pennsylvania 19380. The application has been (or will be) filed on: Monday, December 30, 2024. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Lily Stango, 2 Waterview Rd Apt L01, West Chester, Pennsylvania 19380.

NOTICE

NOTICE OF ACTION

IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA CIVIL ACTION – LAW

No. 2024-09429-RC

Red Bridge Farms Association a/k/a Red Bridge Farms Civic Association

v.
Robert McQuaid, Presumed Heir or Assign of Dora A. McQuaid, Deceased; Christopher McQuaid, Presumed Heir or Assign of Dora A. McQuaid, Deceased; Dora E. McQuaid, Presumed Heir or Assign of Dora A. McQuaid, Deceased; and Presumed and Unknown Heirs and All Persons or Entities Claiming Right, Title or Interest by or Through Dora A. McQuaid, Deceased

TO: Unknown Heirs and All Persons or Entities Claiming Right, Title or Interest by or Through Dora A. McQuaid, Deceased

Red Bridge Farms Association a/k/a Red Bridge Farms Civic Association, has filed a Complaint to enforce a lien against property located at 715 Isaac Taylor Drive, West Chester, PA.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR

LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Chester County Lawyer Referral Service

15 West Gay Street

P.O. Box 3191

West Chester, PA 19381-3191

(610) 429-1600

Elliot H. Berton, Esquire

(610) 889-0700
