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No. 34

Public Notices

**DECEDENTS' ESTATES
NOTICE OF ACTION IN MORTGAGE FORECLOSURE
ORPHANS' COURT DIVISION NOTICES**

Table of Contents

SHERIFF'S SALE OF VALUABLE REAL ESTATE

Opinion

HIESTAND vs. KREISER et al No. 2009-01958

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Paul W. Kilgore, Esq., Chairman

C. Walter Whitmoyer, Jr., Esq., Editor

Stephanie Axarlis, Esq., Editor

DECEDENTS' ESTATES

NOTICE IS HEREBY GIVEN that Letters Testamentary or of Administration have been granted in the following estates. All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

FIRST PUBLICATION

ESTATE OF GERALDINE CURLEY a/k/a Geraldine A. Curley, late of Lebanon, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Elizabeth A. Curley, Executor
111 Fred Ash Road
Dahlonega GA 30533

D.C. Nokes, Jr., Esquire
Attorney for Executor
243 Adams Street
Johnstown PA 15901

ESTATE OF JEAN S. MCKERROW, late of Cornwall Borough, Lebanon County, PA, deceased. Letters of Administration have been granted to the undersigned Administrator.

Kevin M. Richards, Administrator
Kevin M. Richards, Esquire
P.O. Box 1140
Lebanon PA 17042

ESTATE OF GERTRUDE A. MOYER, late of Cornwall Borough, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Louise Kalymun, Executrix
114 North Valley Street
New Philadelphia PA 17959

ESTATE OF JAMES J. SCHOCK, late of North Lebanon Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Administrator.

James E. Schock, Administrator
2085 Water Street
Lebanon PA 17046

Or to Edward J. Schock, Esquire
Freeport Mills Golf Course
201 Golf Road
Lebanon PA 17046

SECOND PUBLICATION

ESTATE OF ELIZABETH B. CLARK, late of Cornwall Borough, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Timothy D. Sheffey, Esquire, Executor
Reilly, Wolfson, Sheffey, Schrum and
Lundberg LLP
1601 Cornwall Road
Lebanon PA 17042

ESTATE OF CHARLES W. EISENHAUER, late of Myerstown Borough, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Fay M. Burkholder, Co-Executor
318 S. Railroad Street
Myerstown PA 17067

Charla K. Bishop, Co-Executor
18098 White Oak Court, G26
Lewes DE 19958

Kenneth C. Sandoe, Esquire
Steiner, Sandoe and Cooper, Attorneys

ESTATE OF ANNA E. GERLACH, late of Palmyra, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Jonathan A. Gerlach, Executor
809 Charlotte Street
Fredericksburg VA 22401

THIRD PUBLICATION

ESTATE OF THERESA M. BENTZEL, late of Myerstown, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Beverly A. Kinard, Executrix

c/o Edmund G. Hauff, Esquire
640 Hamilton Mall, Suite 301
Allentown PA 18101-2180

ESTATE OF RICHARD P. CLAY, late of North Lebanon Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Steven P. Clay, Executor
9 Eve Avenue
Lebanon PA 17046

Craig J. Null, Executor
307 West Carpenter Avenue
Myerstown PA 17067

John D. Enck, Esquire
Spitler, Kilgore & Enck, PC
522 South Eighth Street
Lebanon PA 17042
Attorney

ESTATE OF GRACE C. KELCHNER, late of Myerstown Borough, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Roger L. Kelchner, Executor
8 Deck Road
Myerstown PA 17067

Ronald L. Kelchner, Executor
143 Hock Road
Oley PA 19547

ESTATE OF FRANK R. KIRCHNER,
late of Lebanon County, PA, deceased.
Letters Testamentary have been granted to
the undersigned Co-Executors.

Loretta Gutshall, Co-Executor
603 Mayflower Drive
Myerstown PA 17067

David Kirchner, Co-Executor
222 Carpenter Avenue
Myerstown PA 17067

Timothy J. Huber, Esquire
Buzgon Davis Law Office
525 South Eighth Street
Lebanon PA 17042

ESTATE OF JOSEPH W. KUNDER II
a/k/a Joseph W. Kunder Sr. a/k/a Joseph W.
Kunder, late of North Lebanon Township,
Lebanon County, PA, deceased. Letters
Testamentary have been granted to the
undersigned Executor.

Joseph W. Kunder, Executor

c/o Meaghan Shirk, Esquire
Sullivan, Sullivan and Snelling PC
242 South Eighth Street
Lebanon PA 17042

ESTATE OF MARGUERITE LASCH,
late of Lebanon County, PA, deceased.
Letters Testamentary have been granted to
the undersigned Executrix.

Donna A. Zeller, Executrix
14 Maple Lane
Myerstown PA 17067

David R. Warner, Esquire
Buzgon Davis Law Office
525 South Eighth Street
Lebanon PA 17042

**ESTATE OF JEAN GODLEY
LITTLEFIELD**, late of Jackson
Township, Lebanon County, PA, deceased.
Letters Testamentary have been granted to
the undersigned Co-Executors.

Janice L. Taylor, Co-Executor
524 N. Market Street
Myerstown PA 17067

Bruce G. Littlefield, Co-Executor
542 Bertolet Mill Road
Oley PA 19547

Samuel G. Weiss, Jr., Esquire
Weiss, Weiss & Weiss

ESTATE OF RICHARD E. REB, late of Union Township, Lebanon County, PA, deceased. Letters of Administration have been granted to the undersigned Administrator.

John E. Reb, Administrator
1024 Oak Knoll Drive
Harrisburg PA 17111

Kenneth C. Sandoe, Esquire
Steiner, Sandoe & Cooper, Attorneys

ESTATE OF MARTIN N. SHUEY, late of Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Kathy Gerlach, Executrix
2111 Kline Street
Lebanon PA 17042

Edward J. Coyle, Esquire
Buzgon Davis Law Office
525 South Eighth Street
Lebanon PA 17042

ESTATE OF CATHERINE C. SIMONE, late of Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Ninetta Dickerson, Executrix
151 West Durham Street
Philadelphia PA 19119

Edward J. Coyle, Esquire
Buzgon Davis Law Office
525 South Eighth Street
Lebanon PA 17042

ESTATE OF ROMAINE A. SMITH a/k/a Romaine H. Smith, late of North Londonderry Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

James Meyer, Executor
246 Harvey Road
Hershey PA 17033

Gerald J. Brinser, Esquire
Attorney

ESTATE OF WALTER G. STEELE, late of Mt. Gretna, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Deborah Ramsey, Executrix
c/o Barbara Sumple-Sullivan, Esquire
549 Bridge Street
New Cumberland PA 17070

PHYLLIS A. WASSERMAN REVOCABLE TRUST, Phyllis A. Wasserman, Trustee, late of Lebanon PA, deceased. Lynn B. Levengood and Neal B. Levengood, Successor Co-Trustees of the Phyllis A. Wasserman Revocable Trust, state that they are Successor Co-Trustees of the Phyllis A. Wasserman Revocable Trust, and all persons indebted to the trust are requested to make payment, and those having claims to present the same, without delay, to:

Anthony J. Fitzgibbons, Esquire
279 North Zinn's Mill Road, Suite D
Lebanon PA 17042

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

In the Court of Common Pleas of Lebanon County, PA, Civil Action No. 2014-00188

Nationstar Mortgage LLC, Plaintiff

vs.

Kimberly Betz A/K/A Kimberly A. Betz, individually and in her capacity as heir of Ronald H. Betz, Jr, Deceased; Unknown heirs, successors, assigns, and all persons, firms, or associations claiming right, title or interest from or under Ronald H. Betz, Jr., deceased; Ronald H. Betz, Jr., Defendants

To unknown heirs, successors, assigns, and all persons, firms, or associations claiming right, title or interest from or under Ronald H. Betz, Jr, deceased

You are hereby notified that on January 30, 2014, Plaintiff, Nationstar Mortgage LLC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Lebanon County Pennsylvania, docketed to No. 2014-00188. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at **712 Locust Street, Lebanon, PA 17042-6029** whereupon your property would be sold by the Sheriff of Lebanon County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE: 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 notice 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.

MidPenn Legal Services
513 Chestnut Street
Lebanon, PA 17042
(717) 274-2834

**COURT OF COMMON PLEAS OF
LEBANON COUNTY ORPHANS'
COURT DIVISION NOTICES**

Notice is hereby given that the following accounts in decedents estates, Guardianships and trusts have been filed in the Office of the Register of Wills and Clerk of Orphans' Court of Lebanon County, and that the same will be presented to the Court of Common Pleas-Orphans' Court Division of said County for Confirmation NISI on **Monday, June 2, 2014 at 10:00 A.M. in Courtroom No. 1, Municipal Building, City of Lebanon.**

First and partial accounts with no proposed schedule of distribution filed by executors or administrators

1. **Hostetter, Gregory C.P.**, dec'd., Alexis N.N. Hostetter, Admr., Charles A. Ritchie, Jr., Atty.
2. **Fritchel, G. Marie** aka Fritchel, Marie G., dec'd., Elsie B. Neefe, Exrx., Charles A. Ritchie, Jr., Atty.

All of the aforesaid accounts and statements of Proposed Distribution will be confirmed **ABSOLUTELY** as of course by the said Orphans' Court except those to which exemptions are filed within twenty (20) days after the same are confirmed NISI.

Dawn L. Resanovich
Register of Wills and Clerk of Orphans'
Court
Lebanon County, Pennsylvania

SHERIFF'S SALE OF VALUABLE REAL ESTATE

BY VIRTUE OF WRITS OF EXECUTION ISSUED OUT OF THE COURT OF COMMON PLEAS OF LEBANON COUNTY, PENNSYLVANIA, TO ME DIRECTED, WILL BE EXPOSED TO PUBLIC SALE ON JUNE 10, 2014 at 10:00 A.M., in the Lebanon County Municipal Building, Room #12, (Auditorium/Basement), 400 South Eighth Street, Lebanon, PA 17042. The Following Described Real Estate to wit:

BRUCE E. KLINGLER,
Sheriff of Lebanon County

Sale No. 1

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Katherine L. White

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$98,960.01
Execution No. 2013-02225

GIS: 01:2339611-368179
Property known as:
224 South 5th Street, a/k/a
225 South Fifth Street
Lebanon, PA 17042

Sale No. 3

Plaintiff: JPMorgan Chase Bank, National Association

Defendant: Shirley Farias

Attorney for Plaintiff:
KML Law Group, P.C.
Salvatore Filippello, Esquire
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

Judgment Amount: \$161,955.56
Execution No. 2013-02231

GIS: 11:2323944-366705
Property known as:
43 Rosemont Drive
Myerstown, PA 17067

Sale No. 4

Plaintiff: Jonestown Bank and Trust
Company

Defendant: Doris M. Rivera

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Paul C. Bametzreider, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$28,545.87
Execution No. 2013-02401

GIS: 05:2338927-372228

Property known as:
469 New Street
Lebanon, PA 17046

Sale No. 5

Plaintiff: Donald C. Wanamaker

Defendant: Billy Joe Zohner and
Chantelle L. Gerhart

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Magdalene C. Zeppos, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$117,459.34
Execution No. 2013-02297

GIS: 33:2311463-416842

Property known as:
15 Clearview Lane
Jonestown, PA 17038

Sale No. 6

Plaintiff: PHH Mortgage Corporation

Defendant: Kevin A. Kline

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$174,062.94
Execution No. 2013-02405

GIS: 16:2288888-355618

Property known as:
405 West Cherry Street
Palmyra, PA 17078

Sale No. 7

Plaintiff: Bank of America, N.A., as
Successor by Merger to BAC Home Loans
Servicing, LP f/k/a Countrywide Home
Loans Servicing, LP

Defendant: Sandra M. Fisher and
Timothy A. Fisher

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$179,441.60
Execution No. 2013-01820

GIS: 33:2317356-392867
Property known as:
70 Camp Meeting Road
Jonestown, PA 17038

Sale No. 8

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Irvin M. Low, in his capacity
as Executor and Devisee of the Estate
of George E. Low, Unknown Heirs.
Successors. Assigns, and all Persons,
Firms, or Associations. Claiming Right
Title or Interest from or Under George E.
Low, Deceased

Attorney for Plaintiff:
Phelan Hallinan, LLC

Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$111,475.65
Execution No. 2013-00806

GIS: 08:2344326-367233
Property known as:
438 Bechwood Avenue
Lebanon, PA 17042

Sale No. 10

Plaintiff: Citimortgage, Inc., successor by
merger with Citibank, N.A. successor by
merger with Citicorp Trust Bank, FSB

Defendant: Todd M. Raymond and Tina
M. Rueppel-Raymond

Attorney for Plaintiff:
Millstead & Associates
Robert W. Williams, Esquire
1 East Stow Road
Marlton, NJ 08053

Judgment Amount: \$102,875.46
Execution No. 2013-02139

GIS: 02:2334134-367623
Property known as:
1570 Walnut Street
Lebanon, PA 17042

Sale No 11

Plaintiff: Bank of America, N.A.,
Successor by Merger to BAC Home Loans
Servicing, LP FKA Countrywide Home
Loans Servicing, LP

Defendant: Donald W. Clemens and
Sandra J. Clemens

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount \$146,802.84
Execution No. 2010-02549

GIS: 17:2383324-380136
Property known as:
310 Chestnut Street
Richland, PA 17087

Sale No. 12

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Angelica O. Hernandez and
David Hernandez

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$169,346.56
Execution No. 2013-02232

GIS: 24:2400845-373247
Property known as:
100 Edgemont Lane
Newmanstown, PA 17073

Sale No. 13

Plaintiff: M & T Bank

Defendant: The Unknown Heirs of Robert
E. White, Deceased, Robin White, Solely
in her Capacity of Heir of Robert E. White,
Deceased

Attorney for Plaintiff:
KML Law Group, P.C.
Salvatore Filippello, Esquire
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

Judgment Amount: \$35,973.79
Execution No. 2013-01258

GIS: 02:2336790-368387
Property known as:
121 South 11th Street
Lebanon, PA 17042

Sale No. 15

Plaintiff: PNC Bank, National Association,
Successor by Merger to National City
Mortgage, a Division of National City
Bank

Defendant: Jose A. Kuilan

Attorney for Plaintiff:
KML Law Group, P.C.
Salvatore Filippello, Esquire
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

Judgment Amount: \$108,799.22
Execution No. 2013-02456

GIS: 03:2336876-369814
Property known as:
121 North 10th Street
Lebanon, PA 17046

Sale No. 16

Plaintiff: PNC Bank, National Association

Defendant: Michael S. Bowman

Attorney for Plaintiff:
KML Law Group, P.C.
Salvatore Filippello, Esquire
BNY Mellon Independence Center
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

Judgment Amount: \$141,174.70
Execution No. 2013-02450

GIS: 02:2336834-364810
Property known as:
817 South 12th Street
Lebanon, PA 17042

Sale No. 17

Plaintiff: PHH Mortgage Corporation,
f/k/a Cendant Mortgage Corporation, d/b/a
PHH Mortgage Services

Defendant: Kelly J. Dibello

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$100,843.60
Execution No. 2011-00812

GIS: 33:2316658-399783
Property known as:
4063 North Route 72 a/k/a
2614 State Route 72
Jonestown, PA 17038

Sale No. 18

Plaintiff: Bank of America, N.A. as
Successor by Merger to BAC Home Loans
Servicing, LP f/k/a Countrywide Home
Loans Servicing, LP

Defendant: Matthew L. Lee

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$69,506.46
Execution No. 2013-00493

GIS: 05:2338193-372332
Property known as:
523 North Chapel Street a/k/a
523 Chapel Street
Lebanon, PA 17046

Sale No. 19

Plaintiff: The Bank of New York Mellon
Trust Company, N.A., as Trustee on Behalf
of CWABS Asset-Backed Certificates
Trust 2005-6

Defendant: Karl Sics

Attorney for Plaintiff:
Law Offices of Gregory Javardian
Gregory Javardian, Esquire
1310 Industrial Boulevard

1st Floor, Suite 101
Southampton, PA 18966
(215) 942-9690

Judgment Amount: \$163,650.60
Execution No. 2013-00969

GIS: 27:2336943-377240
Property known as:
855 Jay Street
Lebanon, PA 17046

Sale No. 20

Plaintiff: PHH Mortgage Corporation

Defendant: Hector M. Class and
Jennifer Cabasquini

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$76,060.27
Execution No. 2012-01178

GIS: 07:2336235-371588
Property known as:
415 North 11th Street
Lebanon, PA 17046

Sale No. 21

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Hamid Housni

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$121,386.44
Execution No. 2013-02112

GIS: 26:2332729-367891
Property known as:
1841 Center Street
Lebanon, PA 17042

Sale No. 22

Plaintiff: Deutsche Bank National Trust
Company, as Trustee for Morgan Stanley
Home Equity Loan Trust 2005-3, Mortgage
Pass-Through Certificates, Series 2005-3

Defendant: Nicole A. Cruci and
John M. Kearney

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$213,819.11
Execution No. 2012-01522

GIS: 28:2294346-354675
Property known as:
510 Buttonwood Street
Palmyra, PA 17078

Sale No. 23

Plaintiff: First National Bank of
Fredericksburg

Defendant: Glenn D. Weaver and
Sharon L. Weaver

Attorney for Plaintiff:
Spitler, Kilgore & Enck
Paul W. Kilgore, Esquire
522 South 8th Street
Lebanon, PA 17042
(717) 273-7621

Judgment Amount: \$66,397.06
Execution No. 2013-02558

GIS: 19:2335727-417151
Property known as:
59 Ulsh Lane
Fredericksburg, PA 17026

Sale No. 24

Plaintiff: The Bank of New York Mellon
fka The Bank of New York as Trustee for
the Certificateholders of the CWABS, Inc.,
Asset-Backed Certificates, Series 2006-5

Defendant: Jonathan M. Yordy

Attorney for Plaintiff:
Milstead & Associates, LLC
Robert W. Williams, Esquire
1 E. Stow Road
Marlton, NJ 08053
(856) 482-1400

Judgment Amount: \$194,433.13
Execution No. 2011-01716

GIS: 32:2320467-389479
Property known as:
2216 North Route 72
Lebanon, PA 17046

Sale No. 25

Plaintiff: JPMorgan Chase Bank, National
Association

Defendant: Donald L. Aller

Attorney for Plaintiff:
Shapiro & DeNardo, LLC
Bradley J. Osborne, Esquire
3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
(610) 278-6800

Judgment Amount: \$ 79,014.93
Execution No. 2014-00153

GIS: 01:2340759-368625

Property known as:
209 Walnut Street
Lebanon, PA 17042

GIS: 01:2340744-368624

Property known as:
211 Walnut Street
Lebanon, PA 17042

Sale No. 26

Plaintiff: Santander Bank, N.A., Formerly
known as Sovereign Bank, N.A.

Defendant: Nancy L. Liskey

Attorney for Plaintiff:
Phelan Hallinan, LLC
John Michael Kolesnik, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$48,639.26
Execution No. 2013-01556

GIS: 09:2342862-372720

Property known as:
341 East Guilford Street
Lebanon, PA 17046

Sale No. 27

Plaintiff: The Bank of New York Mellon
f/k/a The Bank of New York as Successor
trustee for JPMorgan Chase Bank,
N.A., as Trustee for the Benefit of the
Certificateholders of Populars ABS, Inc.
Mortgage Pass-Through Certificates
Series 2005-A

Defendant: Ronald D. Weaber, Rose S.
Weaber and United States of America

Attorney for Plaintiff:
Udren Law Offices, P.C.
Elizabeth L. Wassall, Esquire
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003
(856) 669-5400

Judgment Amount: \$164,809.00
Execution No. 2013-00188

GIS: 11:2324562-368380
Property known as:
128 East Penn Avenue
Cleona, PA 17042

Sale No. 28

Plaintiff: JPMC Specialty Mortgage, LLC

Defendant: Joseph A. Delange

Attorney for Plaintiff:
Phelan Hallinan, LLC
Adam H. Davis, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400

Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$116,448.06
Execution No. 2013-01499

GIS: 18:2312598-364765
Property known as:
25 West Queen Street
Annville, PA 17003

Sale No. 29

Plaintiff: Jonestown Bank & Trust
Company

Defendant: Pamela S. O'Donnell

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Paul C. Bametzreider, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$101,309.24
Execution No. 2014-00182

GIS: 32:2330418-384876
Property known as:
1705 Water Street
Lebanon, PA 17046

Sale No. 30

Plaintiff: The Bank of New York Mellon
fka the Bank of New York as Trustee for
the Certificateholders of the CWABS, Inc.
Asset-Backed Certificates, Series 2005-7

Defendant: Jesse A. Gibson, II and Joella
L. Gibson a/k/a Joella Gibson

Attorney for Plaintiff:
Phelan Hallinan, LLC
John Michael Kolesnik, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$163,181.34
Execution No. 2012-00786

GIS: 16:2291509-358759
Property known as:
145 North Franklin Street
Palmyra, PA 17078

Sale No. 32

Plaintiff: Nationstar Mortgage, LLC
Successor by Merger to Centex Home
Equity Company, LLC

Defendant: John H. Hull

Attorney for Plaintiff:
Zucker, Goldberg & Ackerman, LLC
Denise Carlon, Esquire
200 Sheffield Street, Suite 101
Mountainside, NJ 07092
(908) 233-8500

Judgment Amount: \$99,460.28
Execution No. 2013-01093

GIS: 32:2324618-393654
Property known as:
2369 Quarry Road
Lebanon, PA 17046

Sale No. 33

Plaintiff: Jonestown Bank and Trust
Company

Defendant: Kay F. Speziali-Holman

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Paul C. Bametzreider, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$85,406.02
Execution No. 2013-00848

GIS: 32:2327051-401194
Property known as:
2205 State Route 22
Jonestown, PA 17038

Sale No. 34

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Kristin J. Cleckner and Charles H. Cleckner, III a/k/a Charles H. Cleckner

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$221,805.74
Execution No. 2013-02469

GIS: 16:2291504-354392
Property known as:
101 West Orchard Drive
Palmyra, PA 17078

Sale No. 35

Plaintiff: Citimortgage, Inc s/b/m to ABN AMRO Mortgage Group, Inc.

Defendant: Walter G. Miller

Attorney for Plaintiff:
Phelan Hallinan, LLC
Joseph E. DeBarberie, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$98,787.37
Execution No. 2011-00147

GIS: 26:2321080-366558

Property Known as:
559 West Locust Street
Cleona, PA 17042

Sale No. 36

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Kenneth J. Dippolito and Nancy E. Dippolito

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$168,909.08
Execution No. 2013-02233

GIS: 31:2293128-347772

Property known as:
322 Springbrook Drive
Palmyra, PA 17078

Sale No. 37

Plaintiff: GMAC Mortgage, LLC

Defendant: Onofre Antonio Jordan a/k/a
Onofre A. Jordan

Attorney for Plaintiff:
Stern and Eisenberg, P.C.
Andrew J. Marley, Esquire
1518 Main Street, Suite 200
Warrington, PA 18976
(215) 572-8111

Judgment Amount: \$75,106.83
Execution No. 2011-02430

GIS: 30:2344192-369481

Property known as:
24 Folmer Street
Lebanon, PA 17042

Sale No. 38

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Lauren C. Troutman

Attorney for Plaintiff:
Phelan Hallinan, LLC
John Michael Kolesnik, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$170,735.29
Execution No. 2013-00507

GIS: 30:2346800-366676

Property known as:
569 Fox Ridge Lane
Lebanon, PA 17042

Sale No. 39

Plaintiff: Township of Jackson

Defendant: Charles T. Knepp and
Amy F. Knepp

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Paul C. Bametzreider, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$2,584.90
Execution No. 2012-00496

GIS: 23:2364457-380205

Property known as:
33 Laurel Drive
Myerstown, PA 17067

Sale No. 41

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Jack Morris Heagy, Jr. a/k/a
Jack M. Heagy, Jr.

Attorney for Plaintiff:
Phelan Hallinan, LLC
Joseph E. DeBarberie, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$102,469.79
Execution No. 2014-00250

GIS: 02:2332946-366088
Property known as:
380 Summit Court
Lebanon, PA 17042

Sale No. 43

Plaintiff: OneWest Bank, FSB

Defendant: Toni Ann Lancia and
Richard W. Thomas

Attorney for Plaintiff:
Udren Law Offices, P.C.
Harry B. Reese, Esquire
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003
(856) 669-5400

Judgment Amount: \$49,922.41
Execution No. 2012-01120

GIS: 10:2340581-372918

Property known as:
129 Canal Street
Lebanon, PA 17046

Sale No. 44

Plaintiff: Township of Jackson

Defendant: Robert E. Dissinger and
Doreen M. Dissinger

Attorney for Plaintiff:
Reilly Wolfson Law Offices
Paul C. Bametzreider, Esquire
1601 Cornwall Road
Lebanon, PA 17042
(717) 273-3733

Judgment Amount: \$485.99
Execution No. 2005-00405

Judgment Amount: \$3,824.11
Execution No. 2012-00912

Judgment Amount: \$858.84
Execution No. 2013-01699

GIS: 23:2362656-386994
Property known as:
197 North Ramona Road
Myerstown, PA 17067

Sale No. 45

Plaintiff: Metro Bank, f/k/a Commerce Bank/Harrisburg, N.A.

Defendant: Dwayne O’Byle and Cheryl O’Byle

Attorney for Plaintiff:
Mette, Evans & Woodside
Melanie L. Vanderau, Esquire
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110
(717) 2323-5000

Judgment Amount: \$125,949.79
Execution No. 2013-02494

GIS: 15:2372652-382202
Property known as:
126 South Broad Street
Myerstown, PA 17067

Sale No. 46

Plaintiff: U.S. Bank National Association, Not in its Individual Capacity, but solely as Trustee for the RMAC Trust, Series 2011-2T

Defendant: Arthur M. Bankus, Jr. and Michele B. Bankus

Attorney for Plaintiff:
Richard M. Squire & Associates, LLC
Richard M. Squire, Esquire
One Jenkintown Station, Suite 104
115 West Avenue

Jenkintown, PA 19046
(215) 886-8790

Judgment Amount: \$34,100.09
Execution No. 2014-00084

GIS: 02:2337730-368281
Property known as:
831 Walnut Street
Lebanon, PA 17042

Sale No. 47

Plaintiff: Wells Fargo Bank, N.A.

Defendant: Terri G. Ryersbach and Steven Ryersbach

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$104,975.58
Execution No. 2013-01156

GIS: 08:2342418-367186
Property known as:
520 South 1st Avenue
Lebanon, PA 17042

Sale No. 48

Plaintiff: Bank of America, N.A.

Defendant: Ronald D. Turner and Tara
Turner

Attorney for Plaintiff:
Phelan Hallinan, LLC
Jonathan Lobb, Esquire
One Penn Center at Suburban Station
1617 JFK Blvd., Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Judgment Amount: \$146,823.37

Execution No. 2013-01676

GIS: 32:2322989-399483

Property known as:
201 Lighthouse Drive
Jonestown, PA 17038

All parties and claimants are hereby notified that schedules of distribution will be filed by the sheriff in his office within thirty (30) days from sale and distribution will be made in accordance with the schedule unless exceptions are filed there to within ten (10) days thereafter.

BRUCE E. KLINGLER,
Sheriff of Lebanon County

HIESTAND vs. KREISER, et al No. 2009-01958

Civil Action – Discovery – Sanctions – Discretion of Court – Violation of Court Order – Physical or Mental Examination – Earning Capacity Evaluation – Bad Faith – Costs.

1. Discovery sanctions generally are imposed when a court order has been violated, although the rule authorizing sanctions does allow for sanctions when there has been a discovery violation.
2. The decision whether to sanction a party, and if so the severity of such sanction, is vested in the sound discretion of the trial court. Sanctions which may be imposed for the violation of discovery rules are disciplinary tools used to ensure compliance with the discovery rules.
3. The imposition of sanctions always is subject to a balancing test and a weighing of various factors. It is clear that in the exercise of judicial discretion in formulating an appropriate sanction order, the court is required to select a punishment which fits the crime.
4. In the majority of cases where sanctions have been imposed, there almost universally first has been a violation of one or more court orders.
5. Our case law dealing with sanctions consistently has held that trial courts should consider (1) the nature and severity of the discovery violation; (2) the defaulting party's willfulness or bad faith; (3) prejudice to the opposing party, and (4) the ability to cure the prejudice.
6. When the mental or physical condition of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by an examiner or to produce for examination the person in the party's custody or legal control.
7. When the earning capacity of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to an evaluation by a suitably licensed or certified evaluator or to produce for evaluation the person in the party's custody or legal control.
8. The Court denied Defendants' request for reimbursement of the no-show fees for the IME and for the vocational examination.
9. It was clear to the Court that it was within its discretion to require Plaintiff to attend both an IME and a vocational examination. Consequently, the Court ordered the Plaintiff to attend both examinations within sixty (60) days after service of its Order. The Court further advised the Plaintiff that failure to comply with its Order could result in sanctions.

HIESTAND vs. KREISER, et al No. 2009-01958

It also noted that Defendants were responsible for any travel costs associated with the examinations.

Defendant's Motion to Compel IME, Vocational Examination and Sanctions. C.P. of Lebanon County, Civil Action-Law, No. 2009-01958.

**IN THE COURT OF COMMON PLEAS OF LEBANON COUNTY, PENNSYLVANIA
CIVIL DIVISION No: 2009-01958**

MICAIAH HIESTAND, Plaintiff

v.

**DOUGLAS A. KREISER and ANGELA D. CRUZ a/k/a ANGELA D. CRUZ-REYES,
Defendants**

ORDER

And now, to wit, this 7th day of March, 2014, upon consideration of the Defendants' Motion to Compel IME, Vocational Exam, and Sanctions in the Form of "No-Show" Fees, the Motion is GRANTED IN PART and DENIED IN PART as follows:

I. Plaintiff shall attend an independent medical examination at the office of Dr. Peter Badgio located in Bryn Mawr, PA within sixty (60) days after service of this Order. Defendants are responsible for any travel costs. Plaintiff is advised that failure to comply with this directive may result in sanctions upon further application to the Court.

II. Plaintiff shall attend a vocational exam at the office of Dr. Jasen Walker located in Valley Forge, PA within sixty (60) days after service of this Order. Defendants are responsible for any travel costs. Plaintiff is advised that failure to comply with this directive may result in sanctions upon further application to the Court.

III. Defendants' request for reimbursement of "no-show" fees in the amounts of \$2,850.00 and \$750.00 are both denied.

BY THE COURT:

SAMUEL A. KLINE, J.

HIESTAND vs. KREISER, et al No. 2009-01958

APPEARANCES:

W. Scott Henning, Esq. for the Plaintiff

Jason C. Giurintano, Esq. for the Defendants

OPINION, KLINE, J., MARCH 7, 2014

Before the Court is the Defendants' Motion to Compel Independent Medical Examination (hereinafter "IME"), Vocational Exam, and Sanctions in the Form of "No-Show" Fees. For the reasons set forth herein, we grant in part and deny in part the Motion, as specified below.

FACTS AND PROCEDURAL HISTORY

The instant case involves an automobile collision. On January 7, 2010, Plaintiff filed a Civil Complaint alleging that Defendant Angela Cruz-Reyes was the operator of a vehicle that collided with Plaintiff's vehicle, and Defendant Douglas Kreiser was the owner of the vehicle. The Complaint raises one count of negligence and one count alleging reckless/outrageous conduct against Defendant Angela Cruz-Reyes. The Complaint also raises one count of negligent entrustment against Douglas Kreiser. Defendants filed an Answer to the Complaint and New Mater on February 26, 2010. Plaintiff filed a Reply to New Matter on March 4, 2010.

On November 22, 2013, Defendants filed their Motion to Compel IME, Vocational Exam, and Sanctions in the Form of "No-Show" Fees. A rule to show cause was issued upon the Plaintiff to show cause why the relief requested should not be granted. Plaintiff filed a reply on December 19, 2013.

The matter was listed for the February 2014 Term of Argument Court. The Defendants filed a brief in support of their position on February 3, 2014. Plaintiff filed a brief in support of his position on February 10, 2014. Oral argument was heard on February 28, 2014. The case is thus before us and ripe for disposition.

DISCUSSION

"No-Show" Fees

Defendants first request the reimbursement of two fees. Defendants assert an IME was scheduled for the Plaintiff with neuropsychologist Ruben J. Echemendia, Ph.D. on April 24-25, 2012 at his office in State College, PA. On April 18, 2012, a paralegal of

HIESTAND vs. KREISER, et al No. 2009-01958

defense counsel faxed and mailed correspondence to Plaintiff's counsel reminding him of the IME. Plaintiff failed to attend his appointment. As a result, Dr. Echemendia's office charged defense counsel \$2,850.00 for the fees associated with Plaintiff's failure to attend his appointment. Defendants have paid the \$2,850.00 fee, and Defendants' counsel has requested reimbursement of the fee. Plaintiff has not paid to date.

Defendants also assert that defense counsel scheduled a vocational examination for Plaintiff with defense expert Dr. Jasen Walker. On October 15, 2013, it was confirmed that Plaintiff would undergo a vocational exam on October 28, 2013 at the offices of Dr. Walker in Valley Forge, PA. Dr. Walker also sent Plaintiff's counsel a fax to confirm the appointment. Once again, Plaintiff did not attend the appointment, and Defendants have incurred a \$750.00 fee as a result of Plaintiff's failure to attend. Defendants request reimbursement of the \$750.00 fee.

In Plaintiff's brief, Plaintiff's counsel acknowledges that the parties arranged for the scheduling of an exam with Dr. Echemendia. Plaintiff's counsel argues that Plaintiff resides in Manheim, Pennsylvania, and at the last moment, he was without adequate transportation to be able to attend the examination as he does not own a motor vehicle, and his travel arrangements fell through. Furthermore, Plaintiff's counsel states that Plaintiff voluntarily agreed to attend a vocational interview with Dr. Walker; however, he again experienced transportation difficulties. Plaintiff's counsel argues that Plaintiff did not act in bad faith when not attending the two appointments. Therefore, he should not be held responsible for any fees. Further, Plaintiff did not make any agreements to be responsible for any cancellation fees.

Pa.R.C.P. 4019 permits a court to make an appropriate sanction order in certain situations upon motion of a party. Subdivision (a)(1)(viii) provides that an order can be entered if "a party or person otherwise fails to make discovery or to obey an order of court respecting discovery." Pa.R.C.P. 4019(a)(1)(viii).

In the instant case, there was never a Court Order directing the Plaintiff to attend an IME or a vocational exam. However, subdivision (a)(viii) also permits a court to enter a sanction order whenever there is a failure to comply with the Rules of Court governing discovery.

"Discovery sanctions generally are imposed when a court order has been violated, although the rule authorizing sanctions does allow for sanctions when there has been a discovery violation." *McGovern v. Hospital Service Ass'n of Northeastern Pennsylvania*, 785 A.2d 1012 (Pa. Super. 2001).

HIESTAND vs. KREISER, et al No. 2009-01958

A comment to the rule states,

Subdivision (a)(viii) is a blanket authorization to the court to enter a sanction order whenever there is a failure to make discovery or to obey an order of the court. The preceding subsections of subdivision (a) set out a series of specific violations of Rules 4004, 4005, 4007.1, 4007.2, 4009 and 4010 which are included in the blanket authorization. These are only illustrations and do not limit the all-inclusive coverage of subsection (viii).

Comment to Pa.R.C.P. 4019.

“The decision whether to sanction a party, and if so the severity of such sanction, is vested in the sound discretion of the trial court.” *McGovern*, 785 A.2d at 1015. Sanctions which may be imposed for the violation of discovery rules are disciplinary tools used to ensure compliance with the discovery rules. *Christian v. Pennsylvania Financial Responsibility Assigned Claims Plan*, 686 A.2d 1, 6 (Pa. Super. 1996).

...[T]he imposition of sanctions always is subject to a balancing test and a weighing of various factors... “[I]t is clear that in the exercise of judicial discretion in formulating an appropriate sanction order, the court is required to select a punishment which ‘fits the crime.’” In the majority of cases where sanctions have been imposed, there almost universally first has been a violation of one or more court orders.

...

...Our case law dealing with sanctions consistently has held that trial courts should consider at the least: (1) the nature and severity of the discovery violation; (2) the defaulting party’s willfulness or bad faith; (3) prejudice to the opposing party; and (4) the ability to cure the prejudice.

McGovern, 785 A.2d at 1019.

In the instant case there was never a Court Order directing the Plaintiff to submit to an IME or a vocational exam. There has not been a failure to make discovery as the Court has not found a violation of a particular discovery rule. Defendants have not cited any case law compelling mandatory reimbursement. It appears that the Plaintiff has not acted in bad faith. Unfortunately, travel arrangements fall through from time to time. As this Jurist even stated at oral argument, defense counsel could have provided Plaintiff with bus

HIESTAND vs. KREISER, et al No. 2009-01958

tickets to attend the appointments. Any potential prejudice can be cured by ordering the Plaintiff to undergo the evaluations. Had a Court Order already been entered directing the Plaintiff to attend the two appointments, then the Court's decision most likely would have been different. However, the Court will deny the request for reimbursement of the two "no-show" fees.

IME and Vocational Exams

The Defendants also request the Court to require Plaintiff to undergo an IME and a vocational exam. The Defendants contend that Plaintiff has placed his physical and mental condition directly at issue by alleging personal injury to his brain from the accident. As a result of the Plaintiff not attending his appointment with Dr. Echemendia, Dr. Echemendia will not reschedule Plaintiff's IME. Therefore, Defendants must utilize another IME physician, Peter C. Badgio, MD, whose office is located in Bryn Mawr, Pennsylvania.

Furthermore, Defendants argue that Plaintiff alleges that the accident has affected his ability to acquire and maintain gainful employment, thereby creating an alleged claim for lost wages and a loss of earning capacity. Plaintiff has provided Defendant with an expert vocational report which was prepared after Plaintiff met with his own expert; however, Defendants want Plaintiff also to attend a vocational examination with a defense expert.

Defendants also argue that the failure to submit to an IME and a vocational examination prejudices the Defendants as it hinders their ability to formulate a defense. Defendants ask the Court to order Plaintiff to attend both an IME with Dr. Badgio and a vocational exam with Dr. Walker within 20 days.

Plaintiff's counsel states in his brief that Plaintiff is willing to attend an IME with Dr. Badgio. Plaintiff's counsel also states that Plaintiff has informed him that he "will make every effort to attend the re-scheduled vocational interview."

Pa.R.C.P. 4010 provides,

When the mental or physical condition of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by an examiner or to produce for examination the person in the party's custody or legal control.

HIESTAND vs. KREISER, et al No. 2009-01958

Pa.R.C.P. 4010. Furthermore,

When the earning capacity of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to an evaluation by a suitably licensed or certified evaluator or to produce for evaluation the person in the party's custody or legal control.

Pa.R.C.P. 4010.1.

It is clear that requiring Plaintiff to submit to these examinations is within the Court's discretion, and the Court will grant the Defendants' request to require Plaintiff to attend both an IME and vocational exam. Plaintiff's counsel acknowledges that Plaintiff is willing to undergo the examinations. As the present time, there have not been any objections as to the location of the two appointments. Furthermore, Defendants are responsible for any travel costs associated with the appointments.¹

Accordingly, within sixty (60) days after service of the attached Order, the Plaintiff shall attend an IME with Dr. Peter C. Badgio at his office located in Bryn Mawr, PA. Further, within sixty (60) days after service of the attached Order, the Plaintiff shall attend a vocational exam at the office of Dr. Jasen Walker located in Valley Forge, PA.² Plaintiff is advised that failure to comply with these directives may result in sanctions upon further application to the Court. We will enter an Order consistent with the foregoing.

¹ Although not controlling, there is case law requiring defendant to pay the travel expenses. "We should not order her to submit to a pre-trial examination in Pennsylvania unless defendants agree to pay the travel and lodging expenses incidental to her coming to Pennsylvania for that purpose." *Jamison v. Saul*, 2 Pa. D. & C.3d 495, 498 (Pa. Com.Pl. 1977).

² The Court notes that Defendants request 20 days for the Plaintiff to undergo the requested examinations. However, doctors' schedules can be very extensive, and the Court is not even sure if an appointment could be scheduled within 20 days. Therefore, the Court will grant a 60 day time period, and this should be plenty of time for Plaintiff to schedule the appointments and have the examinations. This time period does not mean that Plaintiff should wait until the 60th day to undergo the examinations. Rather, the appointments should be scheduled at the earliest available opportunities that are convenient for all parties involved.

