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Chester County Law Reporter

(USPS 102-900)

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Ditomo v. Compassion-First Pet Hospitals, et al.

Summary judgment – Fraudulent misrepresentation – Unfair trade practices and consumer protection law – Negligence

1. After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert reports.
2. When considering a motion for summary judgment, the court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party as to the existence of a triable issue.
3. If the non-moving party fails to come forward with sufficient evidence to establish or contest a material issue to the case, the moving party is entitled to judgment as a matter of law.
4. The non-moving party must adduce sufficient evidence on an issue essential to its case and on which it bears the burden of proof such that a jury could return a verdict favorable to the non-moving party.
5. When the non-moving party has access to information to counter the moving party's claims, the non-moving party must meet the claims with more than a general denial.
6. To prove fraud, or intentional misrepresentation, Plaintiff must establish the following elements: (a) a representation; (b) which is material to the transaction at hand; (c) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false; (d) with the intent of misleading another into relying on it; (e) justifiable reliance on the misrepresentation; and (f) the resulting injury was proximately caused by the reliance.
7. The Unfair Trade Practices and Consumer Protection Law does not apply to providers of medical services or provide a private cause of action against providers of these services.
8. According to the Unfair Trade Practices and Consumer Protection Law, unfair methods of competition and deceptive practices in the conduct of any trade or commerce are unlawful. The phrase "trade or commerce" includes the sale of services.
9. Among the practices condemned by the Unfair Trade Practices and Consumer Protection Law are various misrepresentations as well as other fraudulent conduct that creates a likelihood of confusion or misunderstanding.
10. Even though the Unfair Trade Practices and Consumer Protection Law does not exclude services performed by physicians, it is intended to prohibit unlawful practices relating to trade or commerce and of the type associated with business enterprises.

11. The legislature did not intend the Unfair Trade Practices and Consumer Protection Law to apply to physicians rendering medical services.
12. A veterinarian is on the same plain as legal and medical professionals, which warrants extending professional negligence concepts to veterinary medicine.
13. Because veterinarians are on the same plain as medical professionals and provide medical services albeit to animals rather than people, the Unfair Trade Practices and Consumer Protection Law does not apply to veterinarians rendering medical services.
14. Pennsylvania courts have distinguished between claims brought for medical and non-medical services and dismissed claims brought under the Unfair Trade Practices and Consumer Protection Law for claims anchored to the negligent provision of medical services.
15. To prove a cause of action based upon the negligent acts or omissions of a veterinarian in the performance of professional duties or services, a plaintiff must demonstrate a) the employment of the veterinarian or other basis for the duty; b) the veterinarian's failure to exercise the appropriate standard of care; and c) that the veterinarian's departure from that standard was the proximate cause of the animal's injury or death.
16. To establish the applicable standard of care, a breach of that standard, causation, and damages, Plaintiff must produce an expert report.
17. Defendants filed a motion for summary judgment, to which the plaintiff filed an answer in opposition. The Court Held, that the motion was granted in part and denied in part.

P.McK.

C.C.P. Chester County, Civil Action – Law, No. 2023-00980-PL; Karen Ditomo v. Compassion-First Pet Hospitals, a/k/a NVA Specialty and ER a/k/a Mid-Atlantic Veterinary Specialist a/k/a Emergency Veterinary Services, LLC a/k/a Veterinary Referral Center, Dr. Sarah Fatula, VMD, Dr. Kelsey Cappelle, VMD, DACVS, Dr. John D. Anastasio, DVM, DACVECC, Dr. Jennifer Savini, DVM, and Dr. Christina Rotoloni, DVM

Pietro A. Barbieri for plaintiff

Kyle C. Allen for defendants

Verwey, J., September 30, 2024:-

[Editor's Note: Plaintiff filed a motion for reconsideration on October 10, 2024.]

[72 Ches. Co. Rep. **Ditomo v. Compassion-First Pet Hospitals, et al.**

KAREN DITOMO

Plaintiff

v.

COMPASSION-FIRST PET
HOSPITALS, a/k/a NVA SPECIALTY
AND ER a/k/a MID-ATLANTIC
VETERINARY SPECIALIST a/k/a
EMERGENCY VETERINARY SERVICES,
LLC a/k/a VETERINARY REFERRAL
CENTER; DR. SARAH FATULA, VMD;
DR. KELSEY CAPPELLE, VMD, DACVS;
DR. JOHN D. ANASTASIO, DVM,
DACVECC; DR. JENNIFER SAVINI
DVM; and DR. CHRISTINA
ROTOLONI, DVM

Defendants

IN THE COURT OF COMMON PLEAS

CHESTER COUNTY, PENNSYLVANIA

NO. 2023-00980-PL

CIVIL ACTION – LAW

MEMORANDUM OPINION AND ORDER

This matter comes before the court on the Motion of Defendants, Compassion-First Pet Hospitals, a/k/a NVA Specialty and ER a/k/a Mid-Atlantic Veterinary Specialist a/k/a Emergency Veterinary Services, LLC a/k/a Veterinary Referral Center (VRC); Dr. Sarah Fatula, VMD; Dr. Kelsey Cappelle, VMD, DACVS; Dr. John D. Anastasio, DVM, DACVECC; Dr. Jennifer Savini DVM; and Dr. Christina Rotoloni, DVM (collectively, Defendants), for summary judgement. Plaintiff filed an answer in opposition. For the reasons that follow, the Motion is GRANTED in part and DENIED in part.

Background

Plaintiff, Karen Ditomo, commenced this action on February 9, 2023, with a four-count complaint. Three counts remain: 1.) fraudulent/intentional misrepresentation, 2.) violation of the Pennsylvania Unfair Trade practices and Consumer Protection Law, 73 P.S. § 201-1 et seq. (UTPCPL), and 3.) professional negligence.¹

Plaintiff alleges that on June 4, 2021, she noticed her dog, an Akita named Charlie, was in some distress and that her abdomen was beginning to bloat. Concerned, Plaintiff sought veterinary care from VRC at approximately 8:00 p.m. Overnight a gastric dilatation volvulus surgery was performed. Charlie’s condition deteriorated

¹ The fourth count for bailment was dismissed with prejudice during preliminary objections.

after surgery, and Plaintiff removed Charlie from VRC on June 8, 2021, because she believed Charlie was receiving substandard care. Charlie did not recover and died on June 11, 2021.

Discussion

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert reports. Pa.R.C.P. 1035.2; *Keystone Freight Corp. v. Strieker*, 31 A.3d 967, 971 (Pa.Super. 2011). When considering a motion for summary judgment, the court must examine the record in the light most favorable to the non-moving party and resolve all doubts against the moving party as to the existence of a triable issue. *McCarthy v. Dan Lepore & Sons Co., Inc.*, 724 A.2d 938, 940 (Pa.Super. 1998). If the non-moving party fails to come forward with sufficient evidence to establish or contest a material issue to the case, the moving party is entitled to judgment as a matter of law. *Ertel v. Patriot-News Co.*, 674 A.2d 1038 (Pa. 1996). The non-moving party must adduce sufficient evidence on an issue essential to its case and on which it bears the burden of proof such that a jury could return a verdict favorable to the non-moving party. *Id.* When the non-moving party has access to information to counter the moving party's claims, the non-moving party must meet the claims with more than a general denial.

Defendants seek dismissal of the three remaining counts. We address each count seriatim.

In Count I, Plaintiff alleged that Defendants “committed multiple false statements of material fact that [P]laintiff believed to be accurate, but w[ere], in fact, fraudulent (a misrepresentation).” Complaint, ¶ 56. In selecting VRC for care, Plaintiff relied on Defendants’ advertising, specifically:

VRC is a comprehensive, specialty veterinary healthcare center located in Malvern, Pennsylvania, a western suburb of Philadelphia. We are an AAHA accredited practice, OPEN 24 HOURS A DAY, 365 DAYS A YEAR, for appointments and emergency care.

(Advertisement). Complaint, ¶ 57; Answer to SJM, ¶ 8. Plaintiff also alleges that VRC did not have available a hyperbaric chamber or the ability to administer oxygen therapy or advanced anesthesia monitoring as stated on its website. Complaint, ¶¶ 45-46, 57; Memorandum filed 8/5/24, pp. 10-11.

To prove fraud, or intentional misrepresentation, Plaintiff must establish the following elements: (1) a representation; (2) which is material to the transaction at hand; (3) made falsely, with knowledge of its falsity or recklessness as to whether it is true or false; (4) with the intent of misleading another into relying on it; (5) justifiable reliance on the misrepresentation; and (6) the resulting injury was proximately caused

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by the reliance. *Presbyterian Med. Ctr. v. Budd*, 832 A.2d 1066, 1072 (Pa.Super. 2003) (citing *Gibbs v. Ernst*, 647 A.2d 882, 889 (Pa. 1994)).

Plaintiff has come forward with no evidence that any of the individual veterinary doctor Defendants made a fraudulent or intentional misrepresentation.

Plaintiff maintains that she understood from the Advertisement that VRC was “fully” accredited by the American Animal Hospital Association (AAHA). However, the Advertisement does not state that VRC is fully accredited. There is no dispute that VRC was AAHA accredited in surgery and dentistry when Plaintiff selected the practice for Charlie’s care. Plaintiff has not directed our attention to any statement made by VRC, whether on its website or otherwise, claiming to be fully accredited. Additionally, Plaintiff has only come forward with bare allegations that VRC did not have available a hyperbaric chamber or the ability to administer oxygen therapy or advanced anesthesia monitoring as advertised. Contrary to Plaintiff’s claim, her expert’s report does not address any lack of these facilities. Because Plaintiff cannot establish each of the elements necessary to prove fraudulent or intentional misrepresentation, this claim is dismissed.

In Count II, Plaintiff alleges a violation of the UTPCPL, specifically section 201-3, as against VRC only. Section 201-3 provides:

Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce as defined by subclauses (i) through (xxi) of clause (4) of section 2¹ of this act and regulations promulgated under section 3.1² of this act are hereby declared unlawful.

¹ 73 P.S. § 201-2

² 73 P.S. § 201-3.1.

73 P.S. § 201-3 (footnotes in original).² Plaintiff’s claim in Count II is premised on the same allegations underpinning Plaintiff’s misrepresentation claim in Count I. Because VRC was AAHA accredited in surgery and dentistry and did not hold itself out to be fully AAHA accredited, and because Plaintiff has made only bare allegations concerning the lack of a hyperbaric chamber, oxygen enriched facilities, and advanced anesthesia monitoring, the record does not support Plaintiff’s claim that VRC has violated the UTPCPL.

Additionally, the Superior Court has held that the UTPCPL does not apply to providers of medical services or provide a private cause of action against providers of these services.

According to the Act, unfair methods of competition and

² Subsection (4) of section 2 defines “unfair methods of competition” and “unfair or deceptive acts or practices” in twenty-one enumerated subparts. Plaintiff has never identified the specific subparts she claims VRC has violated.

deceptive practices in the conduct of any trade or commerce are unlawful. 73 P.S. § 201–3. The phrase “trade or commerce” includes the sale of services. 73 P.S. § 201–2(3). Among the practices condemned by the Act are various misrepresentations as well as other fraudulent conduct that creates a likelihood of confusion or misunderstanding. 73 P.S. § 201–2(4). However, even though the Act does not exclude services performed by physicians, it is clear that the Act is intended to prohibit unlawful practices relating to trade or commerce and of the type associated with business enterprises. It equally is clear that the legislature did not intend the Act to apply to physicians rendering medical services.

Walter v. Magee-Womens Hosp. of UPMC Health Sys., 876 A.2d 400, 407 (Pa.Super. 2005) (citing *Gatten v. Merzi*, 579 A.2d 974 (Pa.Super. 1990)). Whether the Superior Court’s conclusion that the UTPCPL does not apply to physicians rendering medical services applies to veterinarians providing veterinary services is an issue of first impression. If veterinarians are equivalent to physicians and medical services are equivalent to veterinary services, then the UTPCPL does not apply to veterinarians providing veterinary services.

In *Price v. Brown*, 680 A.2d 1149, 1153 (Pa. 1996), the Pennsylvania Supreme Court was called upon to consider whether allegations of a breach of a bailment agreement, without more, were sufficient to state a cause of action against a veterinarian for the death of an animal entrusted to her care for professional treatment. The Court determined that to plead a cause of action under these circumstances, a plaintiff must specifically allege that the veterinarian was negligent in the performance of her professional services. In so ruling the Court concluded that:

malpractice claims have traditionally arisen in the context of services provided by the legal and medical professions. Similar to the practice of law or medicine, the vocation of veterinary medicine involves specialized education, knowledge, and skills. We conclude, therefore, that professional negligence concepts also extend to veterinary medicine.

The practice of veterinary medicine is extensively regulated in Pennsylvania under the Veterinary Medicine Practice Act, 63 P.S. § 485.1 et seq. “Veterinary medicine” is defined as the “branch of medicine which deals with the diagnosis, prognosis, treatment, administration, prescription, operation or manipulation or application of any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal or for the prevention of or

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the testing for the presence of any disease.” 63 P.S. § 485.3(9).

Id. at 1152.³ The Court later continued:

The allegations relating to the professional services rendered by Dr. Brown cannot be deliberately excised from the complaint as if the veterinarian's services were no different than those offered by a kennel operator or dog groomer. There are significant differences between surgical services provided by a veterinarian and grooming or caretaking services.

Id. at 1153. The Superior Court observed that under Price “a veterinarian is on the same plain as legal and medical professionals, which warrants extending professional negligence concepts to veterinary medicine.” *Hoffa v. Bimes*, 954 A.2d 1241, 1249 (Pa.Super. 2008). Because veterinarians are on the same plain as medical professionals and provide medical services albeit to animals rather than people, we conclude that the Superior Court’s ruling in *Walter* applies to veterinarians. Accordingly, the UTPCPL does not apply to veterinarians rendering medical services.

Plaintiff still contends that the Advertisement and statements on VRC’s website are actionable because they relate to trade or commerce and not to the provision of veterinary services. Plaintiff brought this action because she contends the VRC veterinarians were negligent in providing medical services. While the phrase “trade or commerce” includes the sale of services, 73 P.S. § 201-2(3), excluded from “services” are medical services. *Gatten*, 579 A.2d at 976. A veterinary practice may provide non-medical and medical services. For example, kenneling a pet while its owner travels would be a non-medical service. Plaintiff has not made a claim related to non-medical services. In similar cases involving nursing homes, our courts have distinguished between claims brought for medical and non-medical services and dismissed claims brought under the UTPCPL for claims anchored to the negligent provision of medical services. *Goda v. White Cliff Leasing P'Ship*, 62 Pa. D.&C.4th 476, 489 (C.P. Mercer 2003)(a nursing home can be held liable for unfair or deceptive acts prohibited by the UTPCPL that pertain to non-medical goods and services only); *Zaborowski v. Hosp. Care Ctr. of Hermitage, Inc.*, 60 Pa.D.&C.4th 474, 493-94 (Mercer C.P. 2002) (“[T] his court holds that a plaintiff can maintain a private cause of action against a nursing home under the UTPCPL based only upon the non-medical services provided by the nursing home.”); *Simmons v Simpson House, Inc.*, 224 F.Supp.3d 406, 420-21 (E.D. Pa. 2016) (plaintiff could maintain a private cause of action under the UTPCPL against the defendant nursing home based upon non-medical services only).

³ The UTPCPL does not define medical services; however, the Mercer County Common Pleas Court concluded that “for the purposes of determining the applicability of the UTPCPL medical services are those evaluative, diagnostic, preventative, therapeutic, and supervisory services that are customarily provided by or at the direction of a physical or health care worker in order to treat a patient.” *Goda v. White Cliff Leasing P'Ship*, 62 Pa.D.&C.4th 476, 489 (C.P. Mercer 2003). The Eastern District relied on *Goda* to determine that a dentist provides medical services and is equivalent to a physician under the UTPCPL. *Williams v. Benshetrit*, Civil Action 19-797 (E.D. Pa. August 13, 2019).

As a matter of law, Plaintiff does not have a claim against the VRC under the UTPCPL for medical services rendered by its veterinarians.

In Count III, Plaintiff asserts professional negligence claims against each of the individual veterinary doctor Defendants. To prove a cause of action based upon the negligent acts or omissions of a veterinarian in the performance of professional duties or services, a plaintiff must demonstrate 1.) the employment of the veterinarian or other basis for the duty; 2.) the veterinarian's failure to exercise the appropriate standard of care; and 3.) that the veterinarian's departure from that standard was the proximate cause of the animal's injury or death. *Price v. Brown*, 680 A.2d 1149, 1152 (Pa. 1996). To establish the applicable standard of care, a breach of that standard, causation, and damages, Plaintiff must produce an expert report. Under the scheduling order in place in this matter, Plaintiff was required to produce any expert report by June 3, 2024.

Plaintiff has attached to her response to this motion the August 16, 2022, report of her expert, Bernadette T. Alisantosa, DVM, MPVM. Answer to SJM, Exh. I. Dr. Alisantosa criticizes the professional conduct of Defendant, Dr. Sarah Fatula only. Plaintiff has not provided an expert opinion criticizing the professional conduct of Dr. Kelsey Cappelle, Dr. John D. Anastasio, Dr. Jennifer Savini, or Dr. Christina Rotoloni.⁴ Accordingly, Plaintiff cannot establish a claim for professional negligence against the four later named veterinarians.

After consideration of the foregoing, and for all of the reasons stated, we enter this

ORDER

AND NOW, this ____ day of _____, 2024, it is ORDERED that Count I, fraudulent/intentional misrepresentation, and Count II, violation of the UTPCPL, of the Complaint are dismissed in their entirety with prejudice.

It is further ORDERED that Count III, professional negligence, of the Complaint is dismissed with prejudice as to Defendants, Dr. Kelsey Cappelle, Dr. John D. Anastasio, Dr. Jennifer Savini, and Dr. Christina Rotoloni.

BY THE COURT:

/s/ Anthony T. Verwey, J.

⁴ Plaintiff maintains in the replies and memoranda she filed in response to the summary judgment motion that she has more than one expert report. Attached at Exhibit I are what appear to be two copies of the same report issued by Dr. Alisantosa on August 16, 2022. A review of both reports demonstrates that neither criticizes any Defendant other than Dr. Fatula.

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Chester County Court of Common Pleas

Orphans' Court Division

CALL OF THE AUDIT LIST

THE HONORABLE THOMAS P MCCABE COURTROOM 12

WEDNESDAY, DECEMBER 04, 2024 09:00 AM

DANIELLE N. LUTEMAN **1513-1462**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNT

KRISTEN BEHRENS EDWARD SCHMITT, ADMINISTRATOR

ROBERT J. FRAGALE SR. **1522-0079**
CALL OF THE AUDIT LIST
INTERIM ACCOUNTING AND
FIRST AND FINAL ACCOUNTING

ANITA M. D'AMICO CYNTHIA SELLANI, EXECUTOR

ANITA M. D'AMICO KAREN FRAGALE CONAWAY, TRUSTEE

JOAN L. BLOODGOOD **1522-1033**
CALL OF THE AUDIT LIST
FIRST ACCOUNT

GREGORY W. PHILLIPS ROBERT F. LAMLEY, EXECUTOR

JOHN C. CHARLES JR. **1522-1524**
CALL OF THE AUDIT LIST
FIRST ACCOUNT

GREGORY W. PHILIPS KRISTAN SCOFIELD, ADMINISTRATOR

CHARLES F. BRADY SR. **1522-2222**
CALL OF THE AUDIT LIST
FIRST AND FINAL ACCOUNTING

JAMES G. BUCKLER JAMES G. BUCKLER, ADMINISTRATOR

NOTICES

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CHANGE OF NAME NOTICE

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

LAW NO. 2024-10062-NC

NOTICE IS HEREBY GIVEN that the name change petition of Amanda Dolores Stucke was filed in the above-named court and will be heard on Friday, February 21, 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: Tuesday, November 12, 2024

Name to be changed from: Amanda Dolores Stucke to: Grant Dante Stucke

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. AD-24-0041

NOTICE IS HEREBY GIVEN that the name change petition of Ava Grace McKernan was filed in the above-named court and will be heard on Friday, December 6, 2024 at 9:30:00 AM, in Courtroom 11 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Wednesday, September 11, 2024

Name to be changed from: Ava Grace McKernan to:

Ava Grace Jennings

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

JULIE M. POTTS, Attorney for the Petitioner
Lamb McErlane
140 W. Gay Street
West Chester, PA 19380

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

BARAKAT, Adel Roland, a/k/a Adel R. Barakat, late of East Goshen Township. Lamia Patricia Barakat and Rami Paul Barakat, care of BRIAN R. GILBOY, Esquire, Two Logan Square, 100 N. 18th St., Ste. 1825, Philadelphia, PA 19103, Executors. BRIAN R. GILBOY, Esquire, Gilboy & Gilboy LLP, Two Logan Square, 100 N. 18th St., Ste. 1825, Philadelphia, PA 19103, atty.

BARR, Kenneth Robert, a/k/a Kenneth R. Barr, late of West Chester Borough. Diane B. Ippoldo, care of STEPHEN M. PORTER, Esquire, 125 Strafford Ave., Ste. 112, Wayne, PA 19087, Administratrix. STEPHEN M. PORTER, Esquire, Brett Senior & Associates, P.C., 125 Strafford Ave., Ste. 112, Wayne, PA 19087, atty.

CLANCY, Donna E., a/k/a Donna Elise Clancy, late of West Chester Borough. Michael A. Clancy, 640 Cascade Way, Kennett Square, PA 19348 and Matthew J. Clancy, 1 Peter Gamble Ln., Glen Mills, PA 19342, care of JENNIFER L. SIMONS, Esquire, 17 E. Gay St., Ste. 100, West Chester, PA 19380, Executors. JENNIFER L. SIMONS, Esquire, Gawthrop Greenwood, P.C., 17 E. Gay St., Ste. 100, West Chester, PA 19380, atty.

DOTO, JR., Joseph C., a/k/a Joseph Charles Doto, Jr., late of West Caln Township. Michele Lynn DiGennaro, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executrix. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

FABBRI, Anne R., late of Tredyffrin Town-

ship. Joseph F. Butera and Remo J. Butera, care of WILLIAM L. LANDSBURG, Esquire, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, Executors. WILLIAM L. LANDSBURG, Esquire, Wisler Pearlstine, LLP, Blue Bell Executive Campus, 460 Norristown Rd., Ste. 110, Blue Bell, PA 19422-2323, atty.

FALDETI, Kathryn, late of Penn Township. Cameron Faldeti, care of IRA D. BINDER, Esquire, 227 Cullen Rd, Oxford, PA 19363, Executor. IRA D. BINDER, Esquire, 227 Cullen Rd, Oxford, PA 19363, atty.

GILLMER, Kathryn S., late of Exton. Brooke Adelberger, 2050 Lenni Road, Aston, PA 19014, care of DANIEL MASCHI, Esquire, 708 Floral Vale Boulevard, Yardley, PA 19067, Executor. DANIEL MASCHI, Esquire, Zlock & Grisillo, 708 Floral Vale Boulevard, Yardley, PA 19067, atty.

GUNTHER, William, late of West Chester. Jeanne Gunther, Executor.

JULIANO, Thomas Charles, a/k/a Thomas C. Juliano, late of East Goshen Township. Regina Alice Juliano, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executrix. JAY G. FISCHER, Esquire, Jay G. Fischer Law, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

LIGHT, Lawrence E., a/k/a Larry Light, late of Malvern. Barbara R. Corbin, 1202 Raintree Lane, Malvern, PA 19355, care of J. MICHAEL CONSIDINE, JR., Esquire, 1845 Walnut Street, Suite 1199, Philadelphia, PA 19103, Administratrix. J. MICHAEL CONSIDINE, JR., Esquire, J. Michael Considine, Jr., PC, 1845 Walnut Street, Suite 1199, Philadelphia, PA 19103, atty.

MILLARD, Charles D., a/k/a Charles David Millard, late of East Nottingham Township. Nicholas J. Millard, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

REYNOLDS, Maurice Alexander, a/k/a Maurice A. Reynolds and Mike Reynolds, late of New Garden Township. Jennifer L. Patton, 205 Delaware Ave., Oxford, PA 19363 and Michael E. Keiter, 48 Oxford Circle, West Grove, PA 19390, care of ANITA M. D'AMICO, Esquire, 65 S. Third St., Oxford, PA 19363, Administrators. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St., Oxford, PA 19363, atty.

RICHARDS, Harry, late of Easttown Township. Joseph Boulanger, 100 N. Fairfield Road, Apt.1, Devon, PA 19333, care of JOSEPH P. DIGIORGIO, Esquire, 1800 E. Lancaster Ave. Paoli, PA 19301, Executor. JOSEPH P. DIGIORGIO, Esquire, 1800 E. Lancaster Ave. Paoli, PA 19301, atty.

SCHWAB, Jeanne A., late of West Vincent Township. Carol K. Harrington and Anne Elizabeth Krulikowski, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Co-Executrices. LISA COMBER HALL, Esquire, Hall Law Offices, A Professional Corporation, 27 S. Darlington Street, West Chester, PA 19382, atty.

SERAFIN, Justin F., late of East Coventry Township. Thomas Jefferson University, c/o Rozlyn Anderson Flood, Asst. V.P., 1101 Market St., Ste. 2400, Philadelphia, PA 19107, care of DEVIN S. FOX, Esquire, 620 Freedom Business Center, Ste. 200, King of Prussia, PA 19406, Executor. DEVIN S. FOX, Esquire, Stevens & Lee, 620 Freedom Business Center, Ste. 200, King of Prussia, PA 19406, atty.

SYKES, Ronald E., a/k/a Ronald Earl Sykes, late of West Chester Borough. Karen D. Sykes and Fiduciary Trust Company International of Pennsylvania, care of TERRANCE A. KLINE, Esquire, 200 E. State St., Ste. 306, P.O. Box A, Media, PA 19063, Executors. TERRANCE A. KLINE, Esquire, Law Office of Terrance A. Kline, 200 E. State St., Ste. 306, P.O. Box A, Media, PA 19063, atty.

TLOU, Rethabile, late of Caln Township. Angel Omoruan, 17 Killdeer Ln., Downingtown, PA 19335, 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.

2nd Publication

BIONDI, Robert Joseph, a/k/a Robert J. Biondi, late of Valley Township. Cynthia L. Burt, care of KARYN L. SEACE, CELA, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrix. KARYN L. SEACE, CELA, Esquire, Seace Elder Law, PLLC, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

CARROLL, James Paul, a/k/a James Carroll, late of East Bradford Township. Parker Carroll, care of NICOLE B. LaBLETTA, Esquire, 4745 W. Lincoln Highway, Parkesburg, PA 19365, Executor. NICOLE B. LaBLETTA, Esquire, Randy Hope Steen Law

Offices, 4745 W. Lincoln Highway, Parkesburg, PA 19365, atty.

COLE, Debra Ann, late of Caln Township. Casey Faith Venzon, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

DAVIS, Margaret H, late of Downingtown. Patricia D Ward, 2423 Founders Creek Ct, Midlothian VA 23113, Executor.

DETTERTLINE, Carol M., late of East Bradford Township. Barbara D. Wheeler, care of JANET M. COLLITON, Esquire, 790 E. Market St., Ste. 250, West Chester, PA 19382-4806, Executrix. JANET M. COLLITON, Esquire, Colliton Elder Law Associates, 790 E. Market St., Ste. 250, West Chester, PA 19382-4806, atty.

HART, Rosalie Marie, late of Easttown Township. The Havertown Trust Company, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100, West Chester, PA 19380, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100, West Chester, PA 19380, atty.

JENNINGS, Catherine T., late of Kennett Square, East Marlborough Township. James H. Jennings, Jr., 479 Dean Drive, Kennett Square, PA 19348, care of DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, Executor. DONALD F. KOHLER, JR., Esquire, 27 South Darlington Street, West Chester, PA 19382, atty.

KANE, Robert Peter, a/k/a Robert P. Kane and Bob Kane, late of Penn Township. Susan J. Kane, 922 Stauffer Circle, West Grove, PA 19390, care of ANITA M. D'AMICO, Esquire, 65 S. Third St, Oxford, PA 19363, Executrix. ANITA M. D'AMICO, Esquire, D'Amico Law, P.C., 65 S. Third St, Oxford, PA 19363, atty.

MacMONEGLE, Debra Ann, late of Modena Borough. Charles MacMonegle, Jr., care of ROBERT H. BEMBRY, III, Esquire, P.O. Box 27372, Philadelphia, PA 19118, Administrator. ROBERT H. BEMBRY, III, Esquire, Law Offices of Robert H. Bemby, III, P.O. Box 27372, Philadelphia, PA 19118, atty.

MICHAEL, JR., Robert A., late of Township of Honey Brook. Elizabeth Schostak, 201 Marie Road, West Chester, PA 19380, care of DAVID M. ROTH, Esquire, 123 North 5th Street, Allentown, PA 18102, Executor. DAVID M. ROTH, Esquire, The Roth Law Firm, 123 North 5th Street, Allentown, PA 18102,

atty.

MOORE, Constance E., late of Schuylkill Township. John R. Moore, Jr., care of ELIZABETH R. HOWARD, Esquire, 301 Gay St., P.O. Box 507, Phoenixville, PA 19460, Administrator. ELIZABETH R. HOWARD, Esquire, 301 Gay St., P.O. Box 507, Phoenixville, PA 19460, atty.

NILSON, Jean B., late of Malvern. Arthur J. Nilson, 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.

PARKE, Mary M., late of Oxford. Margaret S. Harvey, 247 Ashleys Way, Oxford, PA 19363, care of JANICE FALINI, Esquire, 392 N. Church Street, West Chester, PA 19380, Executrix. JANICE FALINI, Esquire, Falini Law Office, LLC, 392 N. Church Street, West Chester, PA 19380, atty.

PETYK, Mstyslaw A., a/k/a M. Andrew Petyk, late of Tredyffrin Township. Roman Petyk, 30 Valley Dell Blvd, Phoenixville, PA 19460, Executor.

PHILLIPS, Perry E., a/k/a Perry Phillips, late of West Caln Township. Barbara Phillips, 550 Old Wilmington Rd., Coatesville, PA 19320, care of WAYNE C. BUCKWALTER, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. WAYNE C. BUCKWALTER, Esquire, Lamb McLernane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

POTTER, Donald D., a/k/a Donald D. Potter, Sr., late of New London Township. Sherry F. Potter, 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.

SALTZER, JR., Paul Leonard, a/k/a Paul L. Saltzer, late of North Coventry Township. Judith Ann Saltzer, 1400 E. Keller Rd., Pottstown, PA 19465, care of JANNA M. PELLETIER, Esquire, 535 N. Church St., Ste. 115, West Chester, PA 19380, Executrix. JANNA M. PELLETIER, Esquire, 535 N. Church St., Ste. 115, West Chester, PA 19380, atty.

SARLES, Wesley P., late of East Marlborough Township. Tristan Sarles, 116 E. Street Road, Kennett Square, PA 19348 and Kyle Sarles, 116 E. Street Road, Kennett Square, PA 19348, care of CHRISTINA ROBERTS, Esquire, 3305 Edgmont Avenue, Brookhaven, PA 19015, Co-Administrators. CHRISTINA ROBERTS, Esquire, Breslin Murphy & Roberts, 3305 Edgmont Avenue, Brookhaven, PA 19015,

atty.

SHEEHAN, Lawrence J., a/k/a Lawrence John Sheehan, late of West Caln Township. Dawn Noell Sheehan, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Executor. JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

VITEK, Carol Ann, a/k/a Carol A. Vitek and Carol Vitek, late of West Whiteland Township. George Petrovich, 423 Westfield Drive, Exton, PA 19341, care of DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, Executor. DANTE W. RENZULLI, JR., Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

WESCOTT, June B., late of Pennsbury Township. Robert F. Wescott, 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.

WILLIAMS, Cornelius M., late of Pocopson. Helen L. Dorsey, 4 Old Philadelphia Pike, Apt A, Douglassville PA 19518, Executor.

WITTHOFT, Bonita F., late of West Whiteland Township. Carol E. Lutterman, care of W. PETER BARNES, Esquire, 218 West Miner Street, West Chester, PA 19382, Executor. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street, West Chester, PA 19382, atty.

3rd Publication

ALARCON-ORTEGA, April Christina, late of East Nottingham Township. Donnie Dean Ortega, Jr., 1084 Lees Bridge Rd., Nottingham, PA 19362, care of DENNIS C. VONDRAN, JR., Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Administrator. DENNIS C. VONDRAN, JR., Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

ARTHUR, Bradford H., late of Coatesville. Katherine Zimble, 10 Mildred Court Nesconset NY 11787, care of MATTHEW C. KONCHEL, Esquire, 13 Davenport Drive Downingtown PA 19335, Executor. MATTHEW C. KONCHEL, Esquire, Konchel & Associates, P.C., 13 Davenport Drive Downingtown PA 19335, atty.

BARTNIK, Alan Jon, late of Exton, West Whiteland Township. Madison Bartnik, care of DANIEL F. MONAHAN, Esquire, 535 N Church St., Suite 170, West Chester, PA 19380, Administra-

trix. DANIEL F. MONAHAN, Esquire, Brandywine Estate and Elder Law, 535 N Church St., Suite 170, West Chester, PA 19380, atty.

BLAIN, Warren Nelson, late of Honey Brook. Jennifer Iannotti, 113 Whitehorse Dr, Honey Brook, PA, 19344, Executrix.

CHAMBERLIN, Shannon H., a/k/a Shannon Harrison Chamberlin, late of Spring City Borough. Claire Chamberlin, care of DANIEL R. COLEMAN, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Executrix. DANIEL R. COLEMAN, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, P.C., 300 W. State St., Ste. 300, Media, PA 19063, atty.

CLAGHORN JR., Edward T., late of Wayne. Edward T Claghorn, 457 Upper Weadley Road, Wayne, PA 19087 and Katrina V Claghorn, 457 Upper Weadley Road, Wayne, PA 19087, Executors.

DILL, Cyril W., late of Honey Brook Township. Diana Kornet & Debra Weaver, care of BARRY S. RABIN, Esquire, 797 E. Lancaster Avenue Suite 13, Downingtown PA 19335, Personal Representative. BARRY S. RABIN, Esquire, The Law Firm of Barry S. Rabin, 797 E. Lancaster Avenue Suite 13, Downingtown PA 19335, atty.

ELKO, James P, late of East Vincent Township. BarbaraAnne C Elko, 103 Percheron Drive Spring City PA 19475, care of MICHAELANGELO L DIPPOLITO, Esquire, 712 Kimberton Road Chester Springs PA 19425, Executrix. MICHAELANGELO L DIPPOLITO, Esquire, ThePeoplesLawFirm. Com,LLC, 712 Kimberton Road Chester Springs PA 19425, atty.

FETZER, Dorothy Pauline, a/k/a Dorothy P Young, late of Coatesville. William R. Fetzer, 1341 Northumberland Road Coatesville, PA 19320, Personal Representative.

HALL, Helene M., a/k/a Helene Martha Hall, late of Tredyffrin Township. Scott Powers, care of NICOLE B. LaBLETTA, Esquire, 200 Barr Harbor Dr., Ste. 400, Conshohocken, PA 19428, Administrator. NICOLE B. LaBLETTA, Esquire, LaBletta & Walters LLC, 200 Barr Harbor Dr., Ste. 400, Conshohocken, PA 19428, atty.

HARRIS III, Robert T, a/k/a Trev, late of Caln Township. Toni Harris, 2736 Shelburne Rd Downingtown PA 19335, Administrator.

JAMES, Wilbert Allen, late of Caln Township. Samuel A. Botchway, 502 Augusta Dr., Coatesville, PA 19320, care of KRISTEN R. MATTHEWS, Es-

quire, 14 E. Welsh Pool Rd., Exton, PA 19341, Administrator. KRISTEN R. MATTHEWS, Esquire, Kristen Matthews Law, 14 E. Welsh Pool Rd., Exton, PA 19341, atty.

KRAWCZYK, Robert Joseph, a/k/a Robert Krawczyk, late of East Caln Township. Tamara Krawczyk-Hoffritz, care of VINCENT CAROSELLA, JR, Esquire, 882 S Matlack Street Suite 101 West Chester PA 19382, Executrix. VINCENT CAROSELLA, JR, Esquire, Carosella & Associates PC, 882 S Matlack Street Suite 101 West Chester PA 19382, atty.

KURTAS, Steven Paul, a/k/a Steve P. Kurtas and Stephen P. Kurtas, late of East Coventry Township. Karen A. Kurtas, 1735 Hilltop Rd., Spring City, PA 19475, care of DAVID S. KAPLAN, Esquire, 41 E. High St., Pottstown, PA 19464, Executrix. DAVID S. KAPLAN, Esquire, OWM Law, 41 E. High St., Pottstown, PA 19464, atty.

LaBELLE, Anne L., late of West Nantmeal Township. Pamela Michny, 335 Grubb Dr., Elverson, PA 19520, care of MAUREEN OSTIEN, Esquire, 390 Waterloo Blvd., Ste. 210, Exton, PA 19341, Executrix. MAUREEN OSTIEN, Esquire, Lubker Ostien Law, LLC, 390 Waterloo Blvd., Ste. 210, Exton, PA 19341, atty.

PAVLETICH, Julia, late of East Goshen Township. Theresa M Miller, care of W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. W. MARSHALL PEARSON, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

POWER, Gerard John, a/k/a Gerard J. Power and Gerard Power, late of Tredyffrin Township. Margaret A. Cioffi, 1617 John F. Kennedy Boulevard, Suite 825, Philadelphia, Pennsylvania, 19103 and Gary K. Moreland, 1617 John F. Kennedy Boulevard., Suite 825, Philadelphia, Pennsylvania, 19103, care of HEIDI E. ANDERSON, Esquire, 1617 John F. Kennedy Boulevard., Suite 825, Philadelphia, Pennsylvania, 19103, Executors. HEIDI E. ANDERSON, Esquire, Leonard Sciolla, LLP, 1617 John F. Kennedy Boulevard., Suite 825, Philadelphia, Pennsylvania, 19103, atty.

REINHARDT, JR., Richard Hoffman, late of Glenmoore. Stacey C. Reinhardt, care of DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, Executrix. DOUGLAS W. OLSHIN, Esquire, 442 North High Street, West Chester, PA 19380, atty.

REINIKKA, Everett A., a/k/a E. Arnold Reinikka and Arnold Reinikka, late of West Brandywine

Township. Diana R. McCollester, care of SALLY A. FARRELL, Esquire, 17 W. Miner St., West Chester, PA 19382, Executrix. SALLY A. FARRELL, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 19382, atty.

RHODES, Ruth Irene, a/k/a Ruth I. Rhodes, late of Caln Township. Susan K. Casadanti and Diane Keen, care of JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkesburg, PA 19365, Executors. JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkesburg, PA 19365, atty.

RIVEL, JR., Edward R., late of Downingtown. William J. Luttrell, III, 11 S. Olive Street, 2nd Floor, P O Box 1081, Media, PA 19063, care of WILLIAM J. LUTTRELL, III, Esquire, 11 S. Olive St., 2d Fl., P O Box 1081, Media, PA 19063, Executor. WILLIAM J. LUTTRELL, III, Esquire, 11 S. Olive St., 2d Fl., P O Box 1081, Media, PA 19063, atty.

SCHIER, Dale J., late of Pocopson Township. Marilyn Schier, care of APRIL L. CHARLESTON, Esquire, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, Administratrix. APRIL L. CHARLESTON, Esquire, The Charleston Firm, 60 W. Boot Rd., Ste. 201, West Chester, PA 19380, atty.

SICKLER, SR., John J., late of East Pikeland Township. Doris E. Sickler, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Executor. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

SWIFT, Ann, late of Easttown Township. Mary Swift Deakynne, care of MATTHEW L. CONLEY, Esquire, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, Administratrix. MATTHEW L. CONLEY, Esquire, Conley Law Practice, LLC, 300 North Pottstown Pike, Suite 220, Exton, PA 19341, atty.

WEINBERG, Cindy Sue, late of Sadsbury Township. Robert W Helms Jr, 12 Joseph Pyle Dr, West Grove, PA 19390. Executor.

YAHRAES JR, John Edward, a/k/a Jack Yahraes, late of West Chester. John Edward Yahraes III, 106 Lockerbie Lane, West Chester, PA 19382. Executor.

FICTITIOUS NAME

P.O. Box 384
Kennett Square, PA 19348

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

TARAD HILL FARMS, with its principal place of business at 908 Old Fern Hill Rd, West Chester, PA 19380. The application has been (or will be) filed on: Thursday, October 31, 2024. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Bradford Wiggins, 908 Old Fern Hill Rd, West Chester, PA 19380.

NONPROFIT CORPORATION NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a nonprofit corporation which has been incorporated under the provisions of the Nonprofit Corporation Law of 1988. The name of the nonprofit corporation is: Phoenixville Heights Planned Community Association.

1st Publication of 3

ADVERTISEMENT OF EXISTENCE OF TRUST NOTICE

Trust Estate of KATHLEEN NOONAN HANBY, deceased, late of West Whiteland Township, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of KATHLEEN NOONAN HANBY are requested to make known the same and all persons indebted to said decedent are requested to make payment without delay to:

Linda H. Greim, Trustee
c/o Larmore Scarlett LLP
P.O. Box 384
Kennett Square, PA 19348

Attorney:
DONALD B. LYNN, JR., Esquire
Larmore Scarlett LLP