

*Erie
County
Legal
Journal*

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**In the Commonwealth Court of Pennsylvania
Dillon v. City of Erie**

Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County
The Sixth Judicial District of Pennsylvania*

Managing Editor: Heidi M. Weismiller

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The ECBA's Law Day Committee and Board of Directors will review the nominations and evaluate each nominee's contributions with respect to ethical practice, attitude toward the Courts and fellow lawyers, participation in civic affairs, community life and activities involving the Erie County Bar Association.

Nominations should be sent to the ECBA office and received/postmarked no later than Friday, January 31, 2014.

Jan. 17, 24

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Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

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*You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept **strictly confidential**.*

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Justin Dillon, Appellant

v.

City of Erie

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 1038 C.D. 2013

Submitted: December 11, 2013

BEFORE: HONORABLE DAN PELLEGRINI, President Judge
HONORABLE BERNARD L. McGINLEY, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Judge
HONORABLE RENÉE COHN JUBELIRER, Judge
HONORABLE MARY HANNAH LEAVITT, Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE PATRICIA A. McCULLOUGH, Judge

OPINION BY

PRESIDENT JUDGE PELLEGRINI

FILED: January 7, 2014

Justin Dillon (Dillon) appeals the order of the Court of Common Pleas of Erie County (trial court) denying his request for a preliminary injunction.¹ We affirm in part and reverse and remand in part.

In April 2013, Dillon, the legal owner of a number of firearms, applied for a permit to hold a pro-firearms rally in West Perry Square, City of Erie (City). Dillon had previously held rallies on July 1, 2012, January 23, 2013, and February 23, 2013, at West Perry Square and he possessed firearms at those rallies. While he obtained a permit for the rally to be held on June 22, 2013, the City’s Solicitor, Gregory Karle, told Dillon that neither he nor any other person would be allowed to carry firearms during the rally, and that if they did, they would be cited under Section 955.06(b) of the City’s Ordinances prohibiting hunting and the use or possession of firearms in City parks which states:

(b) Hunting and Firearms. No person in a park shall hunt, trap or pursue wild life at any time. No person shall use, carry or possess firearms of any descriptions, or air-rifles, spring guns, bow and arrows, slings, paint ball weapons or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.^[2]

The permit also stated that “PLEASE NOTE: BY CITY ORDINANCE, NO WEAPONS (GUNS) ARE PERMITTED IN ANY CITY PARK.” (Reproduced Record (R.R.) at 64a).

¹ “The essential prerequisites of a preliminary injunction are as follows: (1) the injunction is necessary to prevent immediate and irreparable harm not compensable in money damages; (2) greater injury will result from refusing the injunction than from granting it; (3) the injunction restores the parties to *status quo ante*; and (4) the activity sought to be restrained is actionable, and the plaintiff’s right to relief is clear.” *The Woods at Wayne Homeowners Association v. Gambone Brothers Construction Co., Inc.*, 893 A.2d 196, 204 (Pa. Cmwlth.), *appeal denied*, 588 Pa. 767, 903 A.2d 1235 (2006). The *status quo ante* to be preserved by a preliminary injunction is the last actual, peaceable, lawful, noncontested status which preceded the pending controversy. *Id.* at 204 n.10.

² In turn, Section 955.99 of the City’s Ordinances provides:

Whoever violates any provision of this article or any regulation legally promulgated under authority thereof, upon prosecution before any District Justice of the City shall be fined not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), together with the cost of prosecution, or in default of payment of same shall undergo imprisonment not to exceed ninety days.

In May 2013, while being interviewed by the media, the City's Solicitor stated that those procuring a permit may protest, but "[t]hey can't be armed. If one is armed, they're subject to a summary offense. The fine is one hundred to three hundred dollars and the police are able to enforce the ordinance." (*Id.* at 118a).

In May 2013, Dillon filed a complaint for declaratory judgment and injunctive relief seeking a preliminary and a permanent injunction in the trial court to prevent the City's enforcement of Section 739.01 of the City's Ordinances, which deals with the reporting of stolen firearms,³ as well as Section 955.06(b), which prohibits hunting and firearms in the City's parks. Dillon alleged that the City's Ordinances and proposed actions are preempted by Section 6120(a) of the Uniform Firearms Act (Act),⁴ 18 Pa. C.S. §6120(a), which states:

(a) **General rule.**—No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

At the same time he filed his complaint, Dillon filed a motion for preliminary injunction. The City filed an answer and new matter to Dillon's complaint and a response to his motion.

The trial court held a hearing on Dillon's motion and the parties stipulated to the foregoing underlying facts. The trial court denied the preliminary injunction based on its determination that Dillon had not met the grounds for a preliminary injunction because, among other reasons, he did not establish⁵ the likelihood of his prevailing on the merits because Section 6120(a) did not clearly preempt Section 955.06 of the City's Ordinances because "the ordinance does not (as §6120 seems to) regulate gun ownership, registration, sales, purchases, licensing, transfer or transport of firearms." (Trial Court Opinion at 7). The trial court determined that "it is not clear that §6120, nor any other state statute, was intended to prohibit a municipality from regulating possession of firearms in a public park

³ Section 739.01 of the City's Ordinances states:

No person who is the owner of a handgun that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within seventy-two (72) hours after the owner discovers the loss or theft.

In turn, Section 739.99 provides:

Any person who violates this article shall be subject to the following:

(a) For the first violation such person shall be subject to a fine of not more than five hundred dollars (\$500.00).

(b) For the second and subsequent violations thereafter such person shall be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both.

⁴ Dillon also claimed that the Ordinances violated his rights as guaranteed by Article 1, Section 21 of the Pennsylvania Constitution and the Second Amendment to the United States Constitution, and that the City's actions constitute official oppression as prohibited by Section 5301 of the Pennsylvania Crimes Code, 18 Pa. C.S. §5301.

⁵ The trial court also found that Dillon did not establish immediate, irreparable harm because there was no immediate threat that he would be cited for violating the City's Ordinances; that a greater injury would occur by refusing to grant the injunction because he could still assemble on June 22, 2013, for the rally albeit without possessing a firearm; there was no need to preemptively enjoin the City's proposed actions before the issues were decided on the merits, and because open possession of loaded firearms in a public park affects the public interest and the questions regarding the legality and constitutionality of the City's Ordinances will be determined after a full development of the issues. (Trial Court Opinion at 5-8).

The trial court did find that Dillon had demonstrated that a preliminary injunction would restore the status quo, quoting *Wyland v. West Shore School District*, 52 A.3d 572, 584 (Pa. Cmwlth. 2012) ("For purposes of injunctive relief, the status quo 'is the last peaceable and lawful uncontested status preceding the underlying controversy between the parties or the alleged wrongful conduct of the parties sought to be enjoined.'" (citation omitted). (Trial Court Opinion at 6).

as a reasonable exercise of its police powers....” (*Id.*). The trial court also determined that “[a]s to Ordinance 739.01, dealing with the reporting of stolen guns was not ripe and [Dillon] lacks standing as he does not allege that a gun was lost or stolen. Therefore, it has no application to [Dillon] now, or in the immediate future.”⁶ (Trial Court Opinion at 3). Dillon then filed the instant appeal of the trial court’s order.⁷

I.

A.

Regarding the denial of his request for a preliminary injunction to be allowed to possess firearms in City parks, central to Dillon’s argument is that municipal firearms regulations, such as Section 955.06(b), is preempted by Section 6120(a) of the Act, and the enactment of such a law is a *per se* irreparable injury. He argues that Section 6120(a) clearly states, in pertinent part, that “[n]o ... municipality may in any manner regulate the lawful ... possession of firearms ... when carried ... for purposes not prohibited by the Laws of this Commonwealth.” 18 Pa. C.S. §6120(a).

In *Ortiz v. Commonwealth*, 545 Pa. 279, 681 A.2d 152 (1996), the Supreme Court considered whether two home rule municipalities, Philadelphia and Pittsburgh, could regulate by ordinance the ownership of so-called assault weapons. The Supreme Court explained:

The sum of the case is that the Constitution of Pennsylvania requires that home rule municipalities may not perform any power denied by the General Assembly; [through Section 6120] the General Assembly has denied all municipalities the power to regulate the ownership, possession, transfer or possession [sic] of firearms; and the municipalities seek to regulate that which the General Assembly has said that they may not regulate. The inescapable conclusion, unless there is more, is that the municipalities’ attempt to ban the possession of certain types of firearms is constitutionally infirm.

Ortiz, 545 Pa. at 283-84, 681 A.2d at 155.

The Supreme Court concluded:

Because the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern. The constitution does not provide that the right to bear arms shall not be questioned in any part of the commonwealth except Philadelphia and Pittsburgh, where it may be abridged at will, but that it shall not be questioned in any part of the commonwealth. Thus, regulation of firearms is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils is the proper forum for the imposition of such regulation.

⁶ On June 22, 2013, Dillon held and attended the rally at the City’s West Perry Square. Dillon and seven other attendees were issued summary citations for violating Section 955.06 of the City’s Ordinances. (R.R at 166a-167a). After a trial, with the City’s Solicitor acting as a special prosecutor, Dillon and the others were adjudged guilty of the summary offenses and a fine and court costs were imposed. (*Id.* at 5a-27a). In June 2013, Dillon also applied for another permit to hold another pro-firearms rally in the park on September 14, 2013. (*Id.* at 117a). The record does not indicate whether or not that rally took place.

⁷ Our scope of review of the grant or denial of a preliminary injunction is a narrow one – we “do not inquire into the merits of the controversy, but only examine the record to determine if there were any apparently reasonable grounds for the action of the court below. Only if it is plain that no grounds exist to support the decree or that the rule of law relied upon was palpably erroneous or misapplied will we interfere with the decision of the [Court].” *The Woods at Wayne Homeowners Association*, 893 A.2d at 204, citing *Mazzie v. Commonwealth*, 495 Pa. 128, 133, 432 A.2d 985, 988 (1981).

Id. at 287, 681 A.2d at 156.

In *Clarke v. House of Representatives*, 957 A.2d 361 (Pa. Cmwlth. 2008), *aff'd*, 602 Pa. 222, 980 A.2d 34 (2009), Philadelphia council members filed a complaint in our original jurisdiction seeking a declaration regarding the validity of seven ordinances limiting handgun purchases and prohibiting straw purchases; mandating the reporting of lost or stolen firearms; requiring a license to acquire or to bring a firearm into Philadelphia which must be renewed annually; permitting firearm confiscation from one posing a risk of harm; prohibiting the possession or transfer of assault weapons; and requiring a person selling ammunition to report the purchase and purchaser to the police department. The council members argued, *inter alia*, “that Section 6120 does not apply to any of the Ordinances to the extent they do not regulate the *carrying or transporting* of firearms.” *Clarke*, 957 A.2d at 363 (emphasis in original). In considering this claim, we noted the Supreme Court’s holding in *Ortiz* and *Schneck v. City of Philadelphia*, 383 A.2d 227, 229-30 (Pa. Cmwlth. 1978), in which we had addressed an ordinance regulating the acquisition and transfer of firearms and held that a prior version of Section 6120 “clearly preempts local governments from regulating the lawful ownership, possession and transportation of firearms....”

In rejecting the council members’ claims, we explained:

The Ordinances before us are not materially different from those presented in *Schneck* and *Ortiz*. Each one seeks to regulate firearms—an area that both Section 6120 and binding precedent have made clear is an area of statewide concern over which the General Assembly has assumed sole regulatory power. As we stated in *Schneck*, “it is a well-established principle of law that where a state statute preempts local governments from imposing regulations on a subject, any ordinances to the contrary are unenforceable.” 383 A.2d at 229.

Clarke, 957 A.2d at 364.

Based on the foregoing, Section 6120(a) of the Act does preempt Section 955.06(b) by its own terms and by the case law and precludes the City from regulating the lawful possession of firearms. As a result, the trial court erred in determining that Dillon failed to show that he has a clear right to relief⁸ because Section 6120(a) preempts all firearms regulation thereby prohibiting the City from regulating the possession of firearms in its parks via Section 955.06(b) of the City’s Ordinances.⁹

⁸ “A party’s right to relief is clear if the party seeking the preliminary injunction is likely to prevail on the merits of the permanent injunction.” *The Woods at Wayne Homeowners Association*, 893 A.2d at 204, *citing Summit Towne Centre, Inc. v. Shoe Show of Rocky Mount, Inc.*, 573 Pa. 637, 647, 828 A.2d 995, 1001 (2003).

⁹ Not raised by the City is Section 3710 of the Third Class City Code, Act of June 23, 1931, P.L. 932, *as amended*, 53 P.S. §38710, which provides, in pertinent part, that the City “shall at all times be invested with the power and authority to adopt suitable rules and regulations concerning the use and occupation of [its] parks and playgrounds by the public generally....” It could be argued that the City may be empowered under that grant of power from the State to regulate the possession of firearms in its parks pursuant to its proprietary power to control conduct that takes place on its property rather than through an ordinance of general application enacted pursuant to its general police powers. Similarly, Section 11.215 of the regulations of the Commonwealth’s Department of Conservation and Natural Resources, 17 Pa. Code §11.215, generally prohibits “[p]ossessing an uncased device, or uncasing a device, including a firearm, ... that is capable of discharging or propelling a projectile...” in state parks, subject to a number of enumerated exceptions.

B.

Dillon next claims that the trial court erred in determining that he did not demonstrate that he would suffer an immediate and irreparable injury thereby supporting a preliminary injunction. As noted above, Pennsylvania law does not require a person to be prosecuted to find that he has suffered irreparable harm, and a litigant is relieved of demonstrating this prerequisite where, as here, the only remedy available was prosecution under Section 955.99 of the City's Ordinances based on his violation of Section 955.06(b). *See City of Erie v. Northwestern Pennsylvania Food Council*, 322 A.2d 407, 412 (Pa. Cmwlth. 1974) ("This traditional prerequisite to the issuance of an injunction is not applicable where as here the Legislature declares certain conduct to be unpermitted and unlawful....").

Moreover, "[t]he argument that a violation of law can be a benefit to the public is without merit. When the Legislature declares certain conduct to be unlawful it is tantamount in law to calling it injurious to the public. For one to continue such unlawful conduct constitutes irreparable injury." *Pennsylvania Public Utility Commission v. Israel*, 356 Pa. 400, 406, 52 A.2d 317, 321 (1947). *See also Devlin v. City of Philadelphia*, 580 Pa. 564, 579, 862 A.2d 1234, 1242 (2004) ("[I]n addition to the constitutional and statutory limits on a municipality's power, a municipality is also prohibited from exercising powers in violation of basic preemption principles, which dictate that 'if the General Assembly has preempted a field, the state has retained all regulatory and legislative power for itself and no local legislation in that area is permitted.'" (citation omitted)).

C.

Because Section 6120(a) prohibits the City from regulating the lawful possession of firearms, an irreparable injury is present in this case. Likewise, the City's unlawful regulation of the lawful possession of firearms shows that a greater injury will occur by refusing to grant the injunction because Section 955.06(b) of the City's Ordinances is unenforceable; the injunction is reasonably suited to abate the offending activity by enjoining the enforcement of this unlawful and unenforceable ordinance; and the injunction will not adversely affect the public interest because the City was prohibited from enacting Section 955.06(b) and the ordinance is, again, unlawful and unenforceable. *See City of Erie*, 322 A.2d at 412 ("For one to undertake and pursue such statutorily prohibited conduct constitutes irreparable injury which is the proper subject of injunctive relief." (citing *Israel*)). Based on the foregoing, it is clear that the trial court's basis for denying the instant preliminary injunction with respect to enjoining the enforcement of Section 955.06(b) of the City's Ordinances is erroneous because that ordinance is unlawful and unenforceable.

D.

While the requested injunctive relief cannot be granted with respect to the June 22, 2013 rally, this appeal is not moot because the motion requested that enforcement of Section 955.06(b) be enjoined generally and Dillon was cited at the rally and continues to be subject to prosecution for violating its provisions. "[T]here is an exception to the general rule that a case or controversy must exist at all stages of appellate review. If one of the parties to the controversy will continue to suffer some detriment from the lower court's decision, the appeal will usually be heard." *Janet D. v. Carros*, 362 A.2d 1060, 1070 (Pa. Super. 1976). We cannot enter an order granting the injunction, but will reverse the trial court and remand the matter to the trial court with the direction to enter an order granting

Dillon's request for a preliminary injunction and to dispose of his request for a permanent injunction in accordance with this opinion. *See, e.g., Mitchell's Bar & Restaurant, Inc. v. Allegheny County*, 924 A.2d 730, 739 (Pa. Cmwlth. 2007).

II.

Finally, Dillon argues that the trial court erred in determining that he did not have standing to challenge Section 739.01 of the City's Ordinances, requiring handgun owners to report the loss or theft of a handgun to an appropriate local law enforcement official within 72 hours after its discovery. While one does not have to wait for an actual prosecution to have standing, *City of Erie*, "[i]njunctive relief is not available to eliminate a possible remote future injury or invasion of rights." *Jamal v. Department of Corrections*, 549 A.2d 1369, 1371 (Pa. Cmwlth. 1988), *appeal denied*, 520 Pa. 620, 554 A.2d 512 (1989).

In this case, Dillon was threatened with the actual enforcement of Section 955.06(b) and the penalties outlined in Section 955.99, thereby conferring standing with respect to those provisions. Likewise, in *City of Erie*, the Northwestern Pennsylvania Food Council was required to make immediate changes in their packaging in order to comply with the ordinance at issue in that case. However, there is no allegation that Dillon has lost his firearm or will lose his firearm in the future, and there is no indication that Section 739.01 or the penalties outlined in Section 739.99 will ever be applicable to him. The trial court did not err in determining that he did not have standing to challenge Section 739.01 of the City's Ordinances. *National Rifle Association v. City of Philadelphia*, 977 A.2d 78, 81-82 (Pa. Cmwlth. 2009), *appeal denied*, 606 Pa. 677, 678, 996 A.2d 1068, 1069 (2010). As a result, the trial court properly denied preliminary injunctive relief with respect to Section 739.01 because Dillon does not have standing to obtain the requested relief.

Accordingly, the trial court's order denying Dillon's request for a preliminary injunction is affirmed in part and reversed in part and the case is remanded to the trial court with the direction to enter an order granting Dillon's request for a preliminary injunction enjoining the enforcement of Section 955.06(b) and to dispose of his request for a permanent injunction enjoining its enforcement in accordance with this opinion.

ORDER

AND NOW, this 7th day of January, 2014, that portion of the order of the Court of Common Pleas of Erie County dated June 20, 2013, at No. 11482-2013, denying preliminary injunctive relief with respect to the enforcement of Section 739.01 of the City of Erie's Ordinances is affirmed; that portion of the order denying preliminary injunctive relief with respect to the enforcement of Section 955.06(b) of the City's Ordinances is reversed; and the case is remanded to the Court of Common Pleas of Erie County with the direction to enter an order granting Justin Dillon's request for a preliminary injunction and to dispose of his request for a permanent injunction enjoining the enforcement of Section 955.06(b) in accordance with the foregoing opinion.

Jurisdiction is relinquished.

/s/ DAN PELLEGRINI, President Judge

Justin Dillon, Appellant

v.

City of Erie

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. 1038 C.D. 2013

Submitted: December 11, 2013

BEFORE: HONORABLE DAN PELLEGRINI, President Judge
HONORABLE BERNARD L. MCGINLEY, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Judge
HONORABLE RENÉE COHN JUBELIRER, Judge
HONORABLE MARY HANNAH LEAVITT, Judge
HONORABLE P. KEVIN BROBSON, Judge
HONORABLE PATRICIA A. McCULLOUGH, Judge

DISSENTING OPINION

BY JUDGE BROBSON FILED: January 7, 2014

I join Part I of the majority's opinion.

With respect to Part II, the majority's disposition of the issue is consistent with the current state of the law, addressing gun owner standing to challenge a local ordinance relating to mandatory reporting of lost or stolen firearms. *See Nat'l Rife Ass'n v. City of Phila.*, 977 A.2d 78 (Pa. Cmwlth. 2009) (en banc), *appeal denied*, 606 Pa. 677, 678, 996 A.2d 1068, 1069 (2010). I, however, continue to believe that our precedent in this regard is in error and should be revisited. *See Nat'l Rifle Ass'n v. City of Pittsburgh*, 999 A.2d 1256, 1260-63 (Pa. Cmwlth. 2010) (Brobson, J., dissenting), *appeal denied*, 611 Pa. 629, 23 A.3d 543 (2011). It is for this reason that I must respectfully dissent from that portion of the majority's opinion.

/s/ P. KEVIN BROBSON, Judge

Judges Leavitt and McCullough join in this dissenting opinion.

ACTION TO QUIET TITLE NOTICE

TO: Mathew H. Dana
Please take notice that Perry Properties, Inc., plaintiff, has filed an action against Mathew H. Dana, John J. Matteson, and Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Co. of Pennsylvania, in the Court of Common Pleas of Erie County, Pennsylvania, Civil Division, No. 13569-2013. Plaintiff is the owner of the described property situate in the Township of Venango, Erie County, Pennsylvania, being more commonly known as 9988 Old State Line Road, Wattsburg, Pennsylvania 16442, bearing Erie County Tax Assessment No. (44) 22-32-20, being more fully described in Erie County Record Book 1093, page 92, which is incorporated herein by reference. The defendants may have some interest in the above-described property. Plaintiff has filed this action to quiet title to the property and seeks possession and to bar the defendants from ever asserting any right, title, interest, lien, or claim against the property.
YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY, AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO, THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT, OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE

MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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.

Lawyers Referral Service
P.O. Box 1792
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(814) 459-4411

MON - FRI 8:30 a.m. to 3:00 p.m.

David E. Holland, Esq.
PA 23793

MacDonald, Illig, Jones & Britton LLP

100 State Street, Suite 700
Erie, Pennsylvania 16507-1459
(814) 870-7755

Attorney for Plaintiff Perry Properties, Inc.

Jan. 17

DISSOLUTION NOTICE

Notice is hereby given that the shareholders and directors of Blackacre, Ltd., a Pennsylvania corporation having its registered address at 332 East 6th Street, Erie, Pennsylvania have approved a proposal that the corporation voluntarily dissolve, and that the shareholders are now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Evan E. Adair, Esq.
246 West 10th Street
Erie, PA 16501

Jan. 17

FICTITIOUS NAME NOTICE

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

FICTITIOUS NAME NOTICE

1. Fictitious Name: Bee Happy Quilting
2. Address of the principal place of business, including street and number: 16412 Route 8, Union City, Pennsylvania 16438-9108
3. The real name and address, including street and number, of the persons who are parties to the registration: Barbara A. Beabes, 16410 Route 8, Union City, Pennsylvania 16438-9108.
4. An application for registration of a fictitious name was filed under the Fictitious Names Act on November 26, 2013.

Jan. 17

INCORPORATION NOTICE

NOTICE is hereby given that Greater Regional Erie Athletic Team Training has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
Elderkin Law Firm
150 E. 8th St.
Erie, PA 16501

Jan. 17

INCORPORATION NOTICE

J THOMAS TREE SERVICE, INC. has been incorporated under the provisions of the Business Corporation Law of 1988.

Scott L. Wallen, Attorney
Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc.
2222 West Grandview Boulevard
Erie, Pennsylvania 16506-4508

Jan. 17

INCORPORATION NOTICE

NOTICE is hereby given that Lund Martial Arts, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

Grant M. Yochim, Esquire

Steadman Law Office

24 Main Street East, PO Box 87

Girard, PA 16417

Jan. 17

INCORPORATION NOTICE

Notice is hereby given that TTA Associates, Ltd., a close corporation, has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Evan E. Adair, Esq.

246 West 10th Street

Erie, PA 16501

Jan. 17

ORGANIZATION NOTICE

Notice is hereby given that Pero's Sudsys, LLC, has been organized under the Limited Liability Law of Pennsylvania. A Certificate of organization was filed with the Department of State, Commonwealth of Pennsylvania on November 21, 2013.

David W. Bradford, Esq.

731 French St.

Erie, PA 16501

Jan. 17

LEGAL NOTICE

ATTENTION: ARTHUR GIBBS/
UNKNOWN BIOLOGICAL
FATHER

INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR MALE
CHILD (J.R.B.) DOB: 07/06/2006
BORN TO: BRENDA ANN
DOGGETT

71 IN ADOPTION 2013

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's

Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Sambroak, Court Room No. 217-I, City of Erie on February 7, 2014 at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer, or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's
Court Administrator
Room 204 - 205
Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option

for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Jan. 17

LEGAL NOTICE

ATTENTION: PRESTON TERRY
T H O M P S O N / U N K N O W N
BIOLOGICAL FATHER
INVOLUNTARY TERMINATION
OF PARENTAL RIGHTS

IN THE MATTER OF THE
ADOPTION OF MINOR MALE

CHILD (P.T.T.Jr.)

DOB: 05/30/2002

BORN TO: LINDA LOFTON
22 IN ADOPTION 2013

If you could be the parent of the above mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Judge Sambroak, Court Room No. 217-I, City of Erie on February 7, 2014 at 10:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

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to or telephone the office set forth below to find out where you can get legal help.

Family/Orphan's
Court Administrator
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Erie County Court House
Erie, Pennsylvania 16501
(814) 451-6251

NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S §§2731-2742. This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing

contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-7726, or contact your adoption attorney, if you have one.

Jan. 17

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ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION

**ANTHONY, MARION H.,
deceased**

Late of the City of Erie, Erie County, PA
Executor: Darl E. Anthony, 1587 W. 41st Street, Erie, PA 16509
Attorney: Christine Hall McClure, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BATES, AGNES L., a/k/a
AGNES BATES,
deceased**

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Administratrix CTA: Janet Regelman, 1760 Eagley Road, East Springfield, PA 16411
Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**BERDIS, MARJORIE A.,
a/k/a MARJORIE BERDIS,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executor: Michael L. Fitzpatrick, 850 Washington Avenue, Carnegie, PA 15106
Attorney: Fitzpatrick & LaCava P.C., 850 Washington Avenue, Carnegie, PA 15106

**CARLSON, WALLACE C.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: James H. Carlson, 4236 Lane Rd., Perry, OH 44081
Attorney: None

**De LEON SOTO, KATHY ANN,
a/k/a KATHY ANN OLLINGER,
deceased**

Late of the City of Erie
Administrator: Andrew De Leon Soto, c/o 900 State Street, Suite 215, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**FAWCETT, JUDITH A.,
deceased**

Late of the Township of Springfield, Erie County, Commonwealth of Pennsylvania
Executrix: Tina L. Shreve, c/o Leigh Ann Orton, Esq., 11 Park Street, North East, PA 16428
Attorney: Leigh Ann Orton, Esq., Knox McLaughlin Gornall & Sennett, P.C., 11 Park Street, North East, PA 16428

**FEARN, EMMA,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Kathleen A. Fearn, M.D., c/o 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508
Attorney: Darlene M. Vlahos, Esquire, 3305 Pittsburgh Avenue, Erie, Pennsylvania 16508

**GORENFLO, ANNA MAE,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executrix: Mary E. Bentley, c/o 78 East Main Street, North East, PA 16428
Attorney: John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

**HALLER, MARK F.,
deceased**

Late of Millcreek Township, Erie County, PA
Administrator: Christopher D. Haller, c/o Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esquire, 900 State Street, Suite 215, Erie, PA 16501

**JAGODZINSKI, PATRICIA S.,
deceased**

Late of the City of Erie, County of Erie
Administrator: Barbara A. Smith, 5087 Walnut Ridge Dr., Erie, PA 16506
Attorney: Donald J. Rogala, Esq., 3131 Zimmerly Rd., Erie, PA 16506

**MEEDER, LINNIE D., a/k/a
LINNIE L. MEEDER, a/k/a
LINNIE MEEDER,
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania
Executrix: Judith A. Hovanec, 10058 Bessemer Road, Cranesville, PA 16410
Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

**MILANO, JENNIE,
deceased**

Late of the County of Erie, State of Pennsylvania
Executrix: Marcia Drew, c/o Edward J. Niebauer, Esquire, 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507
Attorney: Edward J. Niebauer, Esquire, Talarico & Niebauer, 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507

**PARKER, AUDREY A.,
deceased**

Late of the Township of North East
Executrix: Beverly L. Conn
Attorney: Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

WALKER, VICTORIA LEA, a/k/a VICTORIA L. WALKER, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Cheryl L. Visnoski, 1133 East 7th Street, Erie, PA 16502
Attorney: None

WARHAM, TERRY L., a/k/a TERRY LEE WARHAM, a/k/a TERRY WARHAM, deceased

Late of the Township of Conneaut, County of Erie, State of Pennsylvania
Executor: Frederick C. Warham, 35585 Jay Road, Titusville, PA 16354
Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

WILLIARD, DELBERT L., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Wendy B. Thornton
Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

SECOND PUBLICATION

BROWN, AGNES EMMA, deceased

Late of the Borough of Harborcreek, County of Erie
Executor: Craig Bradley Brown, c/o Thomas A. Testi, Esq., PO Box 413, Fairview, PA 16415
Attorney: Thomas A. Testi, Esq., 3952 Avonia Road, PO Box 413, Fairview, PA 16415

DUQUETTE, MARCEL R., SR., deceased

Late of the Township of Harborcreek
Executor: Marcel R. Duquette, Jr.
Attorney: Joseph M. Walsh, III, Esq., Shapira, Hutzelman, Berlin, Ely, Smith and Walsh, 305 West 6th Street, Erie, PA 16507

GRISWOLD, ANN W., deceased

Late of the Township of Millcreek, Erie County, PA
Executor: PNC Bank, N.A., c/o Trust Division, 901 State Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

NICHOLSON, BURTON H., JR., deceased

Late of the Township of North East, County of Erie and Commonwealth of Pennsylvania
Administratrix: Jennifer L. Miller, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

ORLANDO, JOSEPH, deceased

Late of the Township of Millcreek, County of Erie, Pennsylvania
Executrix: Susan M. Fry, c/o 6350 Meadowrue Lane, Erie, PA 16505-1027
Attorney: Scott E. Miller, Esquire, 6350 Meadowrue Lane, Erie, PA 16505-1027

RAY, JOHN N. a/k/a JOHN NICHOLAS RAY, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: John A. Ray, 5681 Tower Hill Circle, Alexandria, VA 22315-5590
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

WAITE, RONALD L., deceased

Late of Amity Township, County of Erie, Commonwealth of Pennsylvania
Executor: Linda Waite, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

WOODARD, RICHARD L., deceased

Late of the City of Erie, County of Erie
Co-Executors: Earthee S. Woodard, 1149 East 40th Street, Erie, Pennsylvania 16504 and Richard L. Woodard, Jr., 3421 Adelaide Drive, Erie, Pennsylvania 16510
Attorney: W. Richard Cowell, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

ZIMMERMAN, DAVID R., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administratrix: Bonnie L. Voyda, c/o 504 State Street, 3rd Floor, Erie, PA 16501
Attorney: Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

THIRD PUBLICATION

BUETIKOFER, KATHY ANN, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Administrator c.t.a.: Eric J. Buetikofer, c/o Norman A. Stark, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**HAMILTON, DOROTHY K.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executor: Brian J. Hamilton, 3739 Stirrup Drive, Erie, PA 16506
Attorney: Mark O. Prenatt, Esquire, 227 West 5th Street, Erie, PA 16507

**KERN, MARY ALICE,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Bruce Kern
Attorney: B. Scott Kern, Esq., 5362 Wolf Road, Erie, PA 16505

**SACCO, ANNE B.,
deceased**

Late of Erie, Pennsylvania
Administrator: Joseph R. Sacco, Jr., 3437 Reash Church Road, Cochranton, PA 16314
Attorney: David W. Tyree, Esquire, 3371 Babcock Boulevard, Pittsburgh, PA 15237

**SMITH, CLINTON E.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Co-Executrices: Cheryl A. Davis and Diane S. McMillen, c/o Sterrett Mott Breski & Shimek, 1001 State Street, Suite 1400, Erie, PA 16501
Attorney: John J. Shimek, III, Esq., Sterrett Mott Breski & Shimek, 1001 State Street, Suite 1400, Erie, PA 16501

**YOCHIM, JEAN,
deceased**

Late of the Township of Girard, County of Erie, Pennsylvania
Executor: Walter J. Yochim, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506
Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

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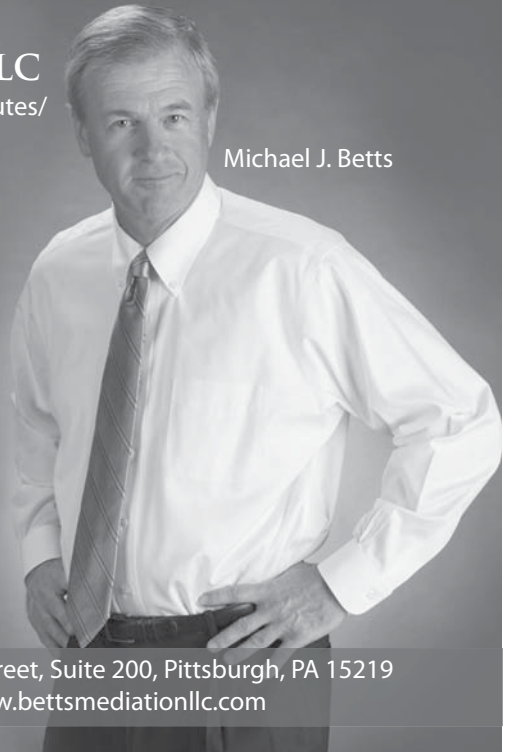
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RVM's Director of Forensics, Greg Cancilla, was recently named Best Individual Expert Witness in Technology for Litigation Support by the *New York Law Journal* Reader Rankings Survey. Greg has performed countless digital forensic investigations and has been called to offer expert testimonies in numerous cases, one of which rendered the largest single plaintiff verdict in the State of Ohio's history - *Ronald Luri v. Republic Services, Inc., et al.*



CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

G. MICHAEL GARCIA, II ----- (814) 451-6023
District Attorney's Office ----- (f) (814) 451-6419
140 West 6th Street
Erie, PA 16501 ----- *mgarcia@eriecountygov.org*

JUDGE STEVEN BECKMAN ----- (814) 871-2573
PA Environmental Hearing Board ----- (f) (814) 454-3801
1001 State Street, Suite 403
Erie, PA 16501 ----- *sbeckman@pa.gov*

JASON A. CHECQUE ----- (814) 459-5557
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502 West 7th Street
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