

INDEX of OPINIONS – 2011

- January 21, 2011 Volume LVI, No. 3 No. 707 Civil 2007
Lydian Bodon-Soto, Plaintiff v Arlene Cohen, Defendant-*J.N.W.V.-Expert Testimony-Mold-Frye Test*
Judge Linda Wallach Miller, October 28, 2010
- January 21, 2011 Volume LVI, No. 3 No. 5503 Civil 2010
Pocono Manor Investors, LP and Matzel Development at PT, LP, Plaintiff v Lost Trails LLC t/a The Lost Trails
ATV Adventures and The Lost Trails ATV Club, Defendant
Contempt-Injunction-Bond
Judge Linda Wallach Miller, November 16, 2010
- February 18, 2011 Volume LVI, No. 07 No. 946 CR 2010
Commonwealth of Pennsylvania v Ulric Doran McKenzi, Defendant-*Habeas Corpus-Suppression Motion-Plain*
View Exception-Medical Records
Judge Jennifer Harlacher Sibum, October 13, 2010
- February 18, 2011 Volume LVI, No. 07 No. 1322 CV 2010
U.S. Bank National Association As Trustee For Mastr Asset Backed Securities Trust 2006-Wmc3, Mortgage
Pass Through Certificates, Series 2006-Wmc3, Plaintiff v
Bernie Davis Or Occupant, Defendants- *Ejectment-Default Judgment-Foreclosure Sale-Meritorious Defense-*
Equitable Estoppel
Judge Arthur L. Zulick, November 19, 2010
- February 25, 2011 Volume LVI, No. 08 No. 1235 CR 2010
Commonwealth of Pennsylvania v Jeffrey Pierre, Defendant-*Habeas Corpus-Suppression-Motive-Vehicle Stop-*
Investigative Intention-Reasonable Suspicion-Consent
Judge Jennifer Harlacher Sibum, October 12, 2010
- February 25, 2011 Volume LVI, No. 08 No. 75 O.C. 2010
In Re: Trust Agreement of Vivien B. Groody, Deceased-*Revocable Trust-Last Will and Testament-Beneficiary*
Waiver
Judge Linda Wallach Miller, November 5, 2010
- March 25, 2011 Volume LVI, No. 12 No. 4733 CV 2010
L&W Supply Corporation dba Building Specialites, Plaintiff v Atul K. Amin, Defendant-*Mechanics Lien-*
Commerical Construction-Substantial Compliance-Waiver of Mechanics Lien
Judge Arthur L. Zulick, November 16, 2010
- April 22, 2011 Volume LVI No. 16 No. 4390 CV 2010
Sheila Mae, Petitioner v Commonwealth of Pennsylvania Department of Transportation Bureau of Driver
Licensing-*Ignition Interlock-License Suspension-DUI-ARD-Statutory Interpretation*
Judge Margherita Patti Worthington, November 9, 2010
- April 22, 2011 Volume LVI No. 16 No. 6390 CV 2010
Dale Heller T/D/B/A Dale's Auto Sales, Petitioner v Commonwealth of Pennsylvania Department of
Transportation Bureau of Motor Vehicles, Respondent-*Supersedeas-Agent Service Agreement-Statutory*
Appeal-Regulatory Review Act-Immigration Policy-Jurisdiction-Identification
Judge Margherita Patti Worthington, November 12, 2010
- June 10, 2011 Volume LVI, No. 23 No. 1071 DR 2007

No. 8702 CV 2007

Frank Fratarcangeli, Plaintiff v Licet Frataracangli, Defendant

MOTION FOR RELIEF

Post Nuptial Agreement – Special Relief – Conflict of Interest – Attorney Client Relationship – Lack of Consideration

Judge Arthur L. Zulick, March 8, 2011

June 17, 2011

Volume LVI, No. 24

No. 7073 CV 2010

Crescent Lake Property Owners Association, Inc., Plaintiff v Francine Mound, Defendant-*Deed Restrictions – Non Jury Trial – P.O.A. – Attorney’s Fees*

Judge Arthur L. Zulick, April 11, 2011

June 24, 2011

Volume LVI, No. 25

No. 7251 CV 2010

Pinnacle Financial and Mortgage Solution, LLC., Plaintiff v Lower Macungie Self Storage LLC, Stephen R. Kennedy, and Matthew I. Wirths, Defendants-*Service -- Venue – Unjust Enrichment.*

Judge Arthur L. Zulick, April 11, 2011

July 8, 2011

Volume LVI, No. 27

No. 2389 CR 2010

Commonwealth of Pennsylvania v Generro DiNatale, Defendant-*Discovery-Habeas Corpus-Continuation-Criminal Record.*

Judge Jennifer Harlacher Sibum, March 15, 2011

July 15, 2011

Volume LVI, No. 28

No. 6426 CV 2010

Kenneth Serfass, Jr. Appellant v Salvatore Albanese and The Polk Township Zoning Hearing Board, Appellees-*Land Use – Zoning Hearing Board - Parking.*

Judge Arthur L. Zulick, April 26, 2011

July 15, 2011

Volume LVI, No. 28

No. 3786 CV 2008

Afeef Yafai and Shaiqa Yafai, Husband and Wife, Plaintiffs v Gregory Quire, Defendant-*Preliminary Objections – Service – Statute of Limitations.*

President Judge Ronald E. Vican, April 18, 2011

July 22, 2011

Volume LVI, No. 29

No. 2228 CV2011

In Re: Petition To Set Aside 2011 Ballot Nominating Petition of Kieran Adair As Republican School Director, Pocono Mountain Region 3 Petition of Jacquelyn Leonard-School Board – Nomination Petitions – Party Registration – Notary.

Judge Arthur L. Zulick, March 18, 2011

July 22, 2011

Volume LVI, No. 29

No. 2227 CV2011

In Re: Petition To Set Aside 2011 Ballot Nominating Petition of Sylvia Mitchell As Democrat School Director, Pocono Mountain Region 3 Petition of Michael Gazza-School Board – Nomination Petitions.

Judge Arthur L. Zulick, March 18, 2011

August 19, 2011

Volume LVI, No33

No. 972 CR 2010

Commonwealth of Pennsylvania v Eddie Lee Bryant, Defendant- *Habeas Corpus-Conspiracy—Controlled Substance – Vehicle Stop – Constructive Possession.*

Judge Jennifer Harlacher Sibus, January 28, 2011

August 19, 2011

Volume LVI, No33

No. 1217 CR 2010

Commonwealth of Pennsylvania v Samuel Lewis Tucker, Jr., Defendant- *Aggravated Assault -- Credibility.*
Judge Jennifer Harlacher Sibus, February 4, 2011

August 26, 2011

Volume LVI, No34

No. 8344 CVL 2009

Michael Vianello, Plaintiff v Monroe County Tax Claim Bureau, Gregg Christine, Pleasant Valley School District, Douglas C. Arnold, Frank Pulo and June O'Neil, Chestnuthill Tax Collector, Defendants- *Delinquent Taxes – Third Party Collector – Monetary Damages – Equitable Relief – Jurisdiction – Exhaustion of Remedies.*

Judge Jonathan Mark, May 2, 2011

September 21, 2011

Volume LVI, No. 38

No. 2374 CR 2010

No. 2375 CR 2010

Commonwealth of Pennsylvania v Holly Wildrick, Defendant and Commonwealth of Pennsylvania v Mary Zacharias, Defendant –*Petition for Habeas Corpus.*

Judge Jennifer Harlacher Sibus, May 9, 2011

September 21, 2011

Volume LVI, No. 38

No. 1300 CV2011

D E & S Properties, Inc. d/b/a Classic Homes, Plaintiff v Anatoly Zeltser, Roland Kleiman, P & R Management, and Bank of America, N.N., Defendants -*Motion to Compel Discovery.*

Judge Arthur L. Zulick, May 2, 2011

October 21, 2011

Volume LVI, No. 42

No. 417 CV2008

Michael and Leann Konawalik, Individually, and as Co-Administrators of the Estate of Ryne M. Konawalik, Plaintiffs v Robert M. Kraus, M.D., Pocono Emergency Physicians, P.C., Pocono Health System, Moiz Mohyuddin, M.D. and Zahra Pediatrics, Defendants -*Medical Malpractice – Negligence – Vicarious Liability.*

Judge Arthur L. Zulick, May 2, 2011

October 21, 2011

Volume LVI, No 42

No. 9477 CV 2010

Louis Arpino, Sr. and Ronald W. Downey, Petitioners v Pleasant Valley School, Respondent-*Board of View – Declaration of Taking.*

President Judge Ronald E. Vican, April 1, 2011

November 25, 2011

Volume LVI No. 47

No. 7076 CV 2010

Docket 2507 CD 2010

Charles Baez, Petitioner v Commonwealth of Pennsylvania Department of Transportation: Bureau of Licensing, Respondent-*Controlled Substance Act – License Suspension – Credit for Suspension.*

Judge Margherita Patti Worthington, February 2, 2011

December 2, 2011

Volume LVI No. 48

No. 1834 CV 2009

Gloria Vazquez, Plaintiff v CHS Professional Practice PC t/a Coordinated Health, Defendant-*Medical Malpractice – Res Ipsa Loquitur.*

Judge Linda Wallach Miller, June 9, 2011

December 2, 2011

Volume LVI No. 48

No. 8207 CV 2010

Louis D. Salzman, Executor of the Estate of Olga Aiello, Plaintiff Francine Salzman and Theresa Salzman, Defendants-*Default Judgment – Timeliness – Meritorious Defense*.
Judge Linda Wallach Miller, May 9, 2011

December 9, 2011

Volume LVI No. 49

No. 572CV 2010

Target National Bank f/k/a Retailers National Bank, Plaintiff v John Murillo, Defendant-*Preliminary Objections*.
Judge Margherita Patti Worthington, June 2, 2011