

LEGAL NOTICES, cont.

Room No. 3, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

David S. Dickey
Attorney at Law
11 North Carlisle Street
Greencastle, PA 17225
9-28, 10-5, 10-12, 10-19

NOTICE IS HEREBY GIVEN THAT Articles of Amendment have been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 29th day of June, 1984 to amend the purpose or purposes of Baker and Russell, Inc., which was incorporated on March 27, 1958 for the purpose or purposes of conducting the business of buying and selling, wholesale and retail, refined petroleum products and the transaction of such business as is necessary and incidental thereto, to include the selling of life, property and casualty insurance and to have unlimited power to do any lawful act concerning any lawful business for which corporations may be incorporated under the Business Corporation Law, Act of May 5, 1933, as amended.

Paul F. Mower of
MOWER, HOSKINSON AND NELSON
232 Lincoln Way East
Chambersburg, Pennsylvania 17201
9-28-84

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the intention to file with the Department of State of the Commonwealth of Pennsylvania, on September 18, 1984, an application for a certificate for the conducting of a business under the assumed or fictitious name of BORZAGER'S CAR CARE CENTER, with its principal place of business at 11305 Buchanan Trall East, Waynesboro, Franklin County, PA 17268. The name(s) and address(es) or the person(s) owning or interested in said business is (are) Daniel K. Borzager, 12009 Old Forge Road, Waynesboro, PA 17268.
Richard J. Walsh
Attorney
9-28-84

LEGAL NOTICES, cont.

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Act of Assembly of May 24, 1945, P.L. 967 and its amendments and supplements of intention to file with the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 27, 1984, an application for a certificate for the conducting of a business under the assumed or fictitious name of CUMBERLAND VALLEY TITLE & ABSTRACT COMPANY with its principal place of business at 51 North Second Street, Chambersburg, PA. The names and address of all persons owning or interested in said business are Thomas M. Englerth, Timothy S. Sponseller, Courtney J. Graham and Robert E. Graham, Jr., all of Chambersburg, PA.

Courtney J. Graham
Attorney
9-28-84

NOTICE

Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin County Branch, Miscellaneous Docket Volume Y, Page 421

NOTICE IS HEREBY GIVEN, that on September 13, 1984, the Petition of William Alexander Withers, IV, a minor, by Ellen A. Diamond, his guardian, was filed in the above-named Court, praying for a decree to change the name of said minor to William Alexander Diamond.

The Court has fixed Thursday, the 1st day of November, 1984, at 11:00 A.M., in Court Room No. 3, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

David S. Dickey
Attorney at Law
11 North Carlisle Street
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9-28, 10-5, 10-12, 10-19

BAYER AND WITMER V. GREENCASTLE ANTRIM, C.P.
Franklin County Branch, A.D. 1983-15

Discovery - Protective Orders - Stay

1. Where plaintiffs seek damages for loss of equipment and reconstructing patients' charts, they are not entitled to a protective order covering their income tax returns.
2. While some items on a tax return have no relevance, that does not bar their use since they contain facts and information which are clearly relevant.

Gregory L. Kiersz, Esquire, Counsel for Plaintiffs

Virginia W. Hersperger, Esquire, Counsel for Defendants

David C. Cleaver, Esquire, Counsel for Defendants

OPINION AND ORDER

EPPINGER, P.J., May 30, 1984:

Jay D. Byer and Larry F. Witmer, plaintiffs, were practicing medicine and dentistry, respectively, in the building owned by the defendant, Greencastle Antrim Foundation called the John L. Grove Medical Center, when the medical center was destroyed by fire in 1981. Both claim that the individual defendant, Robert Crunkleton, an officer of the foundation, represented to them that the medical center's insurance policy would cover their personal property in the event of a fire. This assertion is denied.

The suit brought by the two doctors against the foundation and Crunkleton, in which each claims sums of money for the loss of equipment and supplies and for the cost of reconstructing patient charts, is now in the discovery stage. The defendants have asked the doctors to produce copies of federal income tax returns. Both have filed motions for protective orders, Pa.R.C.P. 4012, and motions to stay discovery proceedings, Pa.R.C.P. 4013, arguing that the returns are not relevant to these proceedings.

Dr. Bayer's total claim is for \$75,923.78, of which \$14,600 is for reconstructing charts and Dr. Witmer's claim is for \$136,720.05, of which \$38,800 is for reconstructing charts.

While we agree that there are certain matters which are normally included in the return which have no relevance to these proceedings, that does not bar their use since they contain facts and informatin which are clearly relevant. *Fannasy v. Howard*, 20 D&C2d 234, 239 (Dauphin 1959). The complaint contains lists of equipment and supplies which each doctor says was destroyed by the fire. One of the ways to verify these lists is by referring to the income tax return to see whether the equipment is shown on the depreciation schedules and the value of supplies claimed to be in inventory at the time of the fire bears a relationship to the inventory shown on the returns.

Dr. Bayer is saying he had to reconstruct 7300 charts. Dr. Witmer's number is 3800. A study of the income tax return could disclose whether the practices of each of the plaintiffs suggests those numbers of patients.

When a party brings a suit on a matter where his tax returns are relevant, he has, in effect, waived his privilege to protect the returns from discovery. See *Davis v. Buckham*, 68 D&C2d 734, 737-8 (Bucks 1975); *McDonough v. Linton's Lunch*, 10 D&C2d 528, 531 (Philadelphia 1956). But when the plaintiffs are required to produce their income tax returns, as here, the use will be restricted to this case.

ORDER OF COURT

May 30, 1984, the plaintiffs' motions for a protective order and to stay discovery proceedings are denied.

MELLOTT v. PRIME, INC., C.P. Fulton County Branch, No. 69 of 1982-C

Trespass - No-Fault Vehicle Act - Causation

1. Where a truck crashed into plaintiffs' home and plaintiff slipped and injured herself on the truck's cargo strewn about the house, the plaintiff's injury arose out of the use of a motor vehicle.
2. Plaintiff's complaint must allege facts meeting the threshold requirements of the No-Fault Act.



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