

WASHINGTON COUNTY REPORTS

OFFICIAL LEGAL PERIODICAL FOR WASHINGTON COUNTY,
PENNSYLVANIA. ESTABLISHED MARCH 31, 1920. PUBLISHED BY
WASHINGTON COUNTY BAR ASSOCIATION SINCE JANUARY 1, 1958.

VOL. 97

THURSDAY, SEPTEMBER 29, 2016

No. 10



*Serving the Legal
Community of
Washington County*

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CONTAINING FOR TEMPORARY USE ADVANCE SHEETS OF THE DECISIONS OF
THE JUDGES OF THE 27TH JUDICIAL DISTRICT OF PENNSYLVANIA AND THE
OFFICIAL LEGAL NOTICES AND ADVERTISEMENTS OF THE SEVERAL COURTS
OF THE COUNTY OF WASHINGTON, PENNSYLVANIA.

JUDGES OF THE COURT OF COMMON PLEAS

Katherine B. Emery, P.J., John DiSalle, Gary Gilman, Valarie Costanzo,
Michael Lucas, Damon Faldowski

Judge of the Term September 16—30 Faldowski, J.
Judge of the Term October 1—15 Emery, P.J.

MOTIONS—2016

General Civil.....Judge of the Term (9:15am, Monday-Friday)
Criminal (September) **DiSalle, J.**
P. Judge Katherine B. Emery Tues. through Thurs. at 9:15 am
Judge John DiSalle Tues. and Thurs. at 9:15am
Judge Gary Gilman Tues. through Fri. at 9:15 am
Judge Valarie Costanzo Wed. 9:30 am for individuals with counsel;
1:30 pm if the moving party does not have counsel.
Judge Michael Lucas Monday at 1:15 pm and Thurs. at 8:30 am
Judge Faldowski Tues. through Thurs. at 9:15 am

Motions in unassigned civil cases will continue to be heard by the Judge of the Term
Monday through Friday @ 9:15 a.m.

COURT OF COMMON PLEAS CALENDAR

Criminal - Trial WeeksSept. 12 –23, 2016
Civil - Trial Weeks.....Sept. 12—23, 2016
Orphans' Court - Next AuditSept. 29, 2016
Orphans' Court deadline to file accounts for Nov. 2016 AuditSept. 27, 2016
Sheriff's Office - Next Sheriff's Sale.....Oct. 7, 2016
last day to file Executions in Prothonotary's for Dec. 2016 saleSept. 23, 2016
last day to file Executions in Sheriff's office for Dec. 2016 sale.....Sept. 30, 2016
COMMONWEALTH COURT..... Convenes in Pittsburgh..... Nov. 14-18, 2016
SUPREME COURT..... Convenes in Pittsburgh. Oct. 31—Nov. 4, 2016
SUPERIOR COURT Convenes in Pittsburgh.....Sept. 19—23, 2016

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Washington County Reports does not edit any legal advertisement for substance or content, only for format of
the publication.

**ADVERTISEMENTS due Friday at Noon for publication the following Thursday (holidays
may alter deadline).**

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OBITER DICTUM

Benjamin L. Costello received a Special Achievement Award from the PBA at the PBA Annual Meeting in Philadelphia for “many years of planning and outstanding work on the PBA Workers’ Compensation Law Section Centennial Steering Committee . . . His enthusiasm and passionate dedication culminated in an occasion marked with great display.” •• **From the ABA Law Journal : [1]** “[U. S. Supreme Court] Justice Clarence Thomas told college grads in Michigan that modern society emphasizes citizens’ rights rather than duties, ‘unless, of course, there’s talk of our duty to submit to yet another new policy being suggested or proposed.’ Speaking at Hillsdale College graduation ceremonies, Thomas emphasized that personal responsibility is tied to the preservation of the U. S. form of government, report the *Ann Arbor News*, the *Detroit News*, the *Toledo Blade*, the *College Fix* and *The Wall Street Journal Law Blog* . . . ‘At risk of understating what is necessary to preserve liberty in our form of government, I think, more and more, it depends on good citizens discharging their daily duties and obligations,’ Thomas said. ‘Sadly, today it seems as though grievances rather than personal conduct are the means of elevation. Hallmarks of my youth such as patriotism and religion seem more like outliers, if not afterthoughts,’ Thomas said. ‘We were taught that despite unfair treatment, we were to be good citizens and good people.’ Thomas advised students that they should not hide their faiths and beliefs, ‘especially in this world that seems to have gone mad with political correctness.’” (Article by Debra Cassens Weiss); [2] “The Sixth Amendment right to a speedy trial doesn’t protect the right to a speedy sentence, the U.S. Supreme Court ruled on Thursday. [Ed. Note: Would it be more accurate to say that no right to a speedy sentencing exists?] The Court ruled against Brandon Betterman, who pleaded guilty to a bail jumping charge in Montana and waited in jail more than 14 months before his sentencing. He had claimed the delay should entitle him to a reduction of 14 months in his sentence. The Sixth Amendment guarantee ‘protects the accused from arrest or indictment through trial, but does not apply once a defendant has been found guilty at trial or has pleaded guilty to criminal charges,’ the Court said in a unanimous opinion by Justice Ruth Bader Ginsburg. The right to a speedy trial ‘detaches upon conviction,’ she said. Ginsburg noted that Betterman had pressed a Sixth Amendment claim but had not sought relief under the due process clause. As a result, the Court confined its opinion to the Sixth Amendment issue. A due process claim might entitle a defendant who faces ‘inordinate delay in sentencing’ to ‘tailored relief’ in appropriate circumstances, Ginsburg said. A concurrence

OBITER DICTUM CONTINUED ON PAGE 12

NOTICE TO THE PROFESSION

Any practitioner interested in applying for the open Criminal Conflict Attorney position should submit a letter of interest to Patrick R. Grimm, Esquire, District Court Administrator, Suite 2004, One South Main Street, Washington, PA 15301 (724.228.6797). The position is a contract position which pays \$25,000 per year, and the appointments will not exceed 45 defendants in a calendar year. The position is available November 1, 2016. Applicants should apply by October 11, 2016, for consideration.

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WASHINGTON COUNTY BAR ASSOCIATION CLEs and CALENDAR OF EVENTS

10/5	Noon	WCBA Member Roundtable	WCBA
10/24	Tba	WCBA Meeting, Slate & CLE “Malpractice Avoidance”	Meadows Casino
11/2	Noon	WCBA Member Roundtable	WCBA
11/18		Annual Bar Banquet	Southpointe Golf Club
1/20/17		Winter Bench/Bar	Hilton Garden Inn
8/4-6/17		Summer Bench/Bar	Oglebay CC

PBI - CLE

PBI Seminars are held at WCBA offices, 119 South College Street, Washington, PA, unless noted. Register for PBI seminars through PBI at 1.800.932.4637 or www.pbi.org. Register for WCBA CLE seminars through WCBA at 724.225.6710. (Note PBI costs: PBA members practicing 5+ years/New Admits < 5 years.). Any person requiring special PBI arrangements for a disability contact Zina Barlup at 800.932.4637 ext. 2284 at least 10 days before the course.

**PBI RESERVES THE RIGHT TO CANCEL ANY SEMINAR 10 DAYS PRIOR IF
TWO OR FEWER PEOPLE ARE PRE-REGISTERED.**

10/21	9-1:15	4/0	\$179/199	Lawyer’s Guide to Appraisals & Appraisers
10/28	9-1:15	4/0	\$179/199	Intersection of Life & Estate Planning
11/2	9-12:15	3/0	\$179/199	Vehicle Stops and Searches in PA
11/16	9-5:00	6/0	\$199/219	Snapshots of Special Education Law
11/30	9-10:00	1/0	\$99/109	Fundamentals of Civil Practice: Civil Practice Overview
12/9	9-5:00	5/1	\$199/219	A Day on Employment Law

STATEMENT OF OWNERSHIP
MANAGEMENT AND CIRCULATION
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(Required by 39 U.S.C. 3685)

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- d. Percent Paid and/or Requested Circulation (Both Print & Electronic): **81.88%**

X I certify that 50% of all my distributed copies (electronic/print) are legitimate requests or paid copies.

17. Publication of Statement of Ownership will be printed in the **10th** issue of this publication. (Sept. 29, 2016)

Signature and Title of Editor, Publisher, Business Manager or Owner: Date: September 29, 2016

I certify that the statements made by the above are correct and complete.
/s/ Sherri A. Paige, Business Manager

ESTATE NOTICES

The Register of Wills has granted letters testamentary or of administration in the following estates. Notice is hereby given to all persons indebted thereto to make payment without delay and to those having claims or demands to present them for settlement to the Executors or Administrators or their attorneys.

FIRST PUBLICATION

FREDIANA, MARCELLA D., late of Charleroi, Washington Co., PA; Executors: Jack F. Cox, Jr. and Susan Cox, 543 Conrad Avenue, Charleroi, PA 15022; Attorney: David N. Lint, France, Lint & Associates, PC, 308 Fallowfield Avenue, Charleroi, PA 15022

GILBERT, JOSEPH A., a/k/a **JOSEPH ANDREW GILBERT**, late of , Washington Co., PA; Executors: Robert J. Ramacker, 16 Allison Road, Bulger, PA 15019; Susan Gilbert,, 2070 McKees Rocks Rd., McKees Rocks, PA 15136

KLEIN, MARIE MAHRAMAS, a/k/a **MARIE M. KLEIN**, late of Canonsburg, Washington Co., PA; Executors: Evelyn Pihakis and Richard D. Clohessy, c/o Kusturiss, Wolf & Kusturiss, 12 N. Jefferson Ave., Canonsburg, PA 15317; Attorney: Angela D. Kkusturiss, Kusturiss, Wolf & Kusturiss, 12 N. Jefferson Ave., Canonsburg, PA 15317

LANG, HARRY JUDSON, a/k/a **HARRY J. LANG**, late of California Borough, Washington Co., PA; Executor: Randall Judson Lang a/k/a Randall J. Lang, 2120 East Bay Drive NE, Olympia WA 98506; Attorney: Susan Mondik Key, Peacock Keller & Ecker, LLP, 70 East Beau St., Washington, PA 15301

NICASTRO, LINDA M., a/k/a **LINDA MARY NICASTRO**, late of Canonsburg, Washington Co., PA; Executor: Anthony J. Nicastro, 60 Carl Avenue, Lot A2, Eighty Four, PA 15330

O'NEIL, NIXON RICHARD, a/k/a **NIXON R. O'NEIL**, late of Centerville Borough, Washington Co., PA; Executrix: Mona O'Neil, 620 Denbo Avenue, Brownsville, PA 15417; Attorney: Alan Benyak, 401 Sixth Street at Washington Ave., PO Box 1, Charleroi, PA 15022

STEELE, CARL S., late of California Borough, Washington Co., PA; Executrix: Karen R. Moluski, 179 Deems Park Road, Daisytown, PA 15427

SYREK, TERRANCE D., a/k/a **TERRANCE SYREK**, late of Washington, Washington Co., PA; Administrator: Jeffrey J. Morella, c/o Morella & Associates; Attorney: Karen E. Bononi, Morella & Associates, P.C., 706 Rochester Road, Pittsburgh, PA 15237

YURKOVICH, STEVE F., late of Washington Co., PA; Executors: Carol Gayman, 112 Oak Drive, Jefferson, PA 15344; Steven P. Yurkovich, 21 Wesley Drive, Apt. G, Asheville, NC 28803; Attorney: Brandon K. Meyer, 136 East High Street, Waynesburg, PA 15370

SECOND PUBLICATION

HARDWAY, BONNIE KEARNS, a/k/a **BONNIE L. HARDWAY**, late of Washington, Washington Co., PA; Executor: Edward D. Hardway, Jr., c/o Kusturiss, Wolf & Kusturiss, c/o 12 North Jefferson Ave., Canonsburg, PA 15317; Attorney: Angela D. Kusturiss, 12 North Jefferson Ave., Canonsburg, PA 15317

HNAT, JANE E., a/k/a **EMMA JANE HNAT**, late of Houston, Washington

Co., PA; Executrix: Susan Marie Belensky, 119 S. Main St., Houston, PA 15342; Attorney: Michele S. Haggerty, 116 North Main St., Washington, PA 15301

HUNDZIENSKI, HELEN JEAN, late of Borough of Canonsburg, Washington Co., PA; Executrix: Trayce Dulaney, 272 Linden Road, Canonsburg, PA 15317; Attorney: Patrick C. Derrico, Greenlee, Derrico & Posa, 30 East Beau St., Ste 325, Washington, PA 15301

MCCAFFREY, THOMAS V., late of Venetia, Washington Co., PA; Administrator: Robert C. Tourek; Attorney: Robert C. Tourek, 2559 Brandt School Road, Ste 202, Wexford, PA 15090

SHRONOVICH, MAUVOREEN F., late of Eighty Four, Washington Co., PA; Administratrix: Judith E. Donaldson, 10 Pigeon Creek Road, Canonsburg, PA 15317; Attorney: Peter D. Lyle, 1373 Washington Pike, Ste 200, Bridgeville, PA 15017

WASKO, STEVEN T., late of Canonsburg, Washington Co., PA; Administrator: Steven G. Wasko, c/o Joseph H. Fox, 125 South College St., Washington, PA 15301; Attorney: Joseph H. Fox, 125 South College St., Washington, PA 15301

THIRD PUBLICATION

CHECQUE, LEONARD F., a/k/a **LEONARD F. CHECQUE, SR.** a/k/a **LEONARD CHECQUE**, late of Union Township, Washington Co., PA; Executor: Leonard F. Checque, Jr., 6 Oberman Lane, Finleyville, PA 15332; Attorney: James W. Haines, Jr., 1202 West Main St., Monongahela, PA 15301

DESCH, KAYE R., late of South Strabane Township, Washington Co., PA; Executrix: Linda Y. Desch a/k/a Linda M.

Desch, 625 Floral Hill Drive, Washington, PA 15301; Attorney: John A. Rodgers, Peacock Keller & Ecker, LLP, 70 East Beau St., Washington, PA 15301

DUPAIN, KATHERINE A., late of Mt. Pleasant Township, Washington Co., PA; Administrators: Deborah L. Diserio and Gregory P. Diulus, c/o 4898 Campbells Run Rd., Suite 3, Pittsburgh, PA 15205; Attorney: Gregory P. Diulus, 4898 Campbells Run Rd., Suite 3, Pittsburgh, PA 15205

FOSTER, RICHARD C., late of Washington, Washington Co., PA; Executors: Richard C. Foster II and Renee Dickson, c/o Speakman, Riethmuller & Allison; Attorney: Speakman, Riethmuller & Allison, 30 East Beau St., Suite 430, Washington, PA 15301

FRONZAGLIO, ALBERT F., late of Borough of Donora, Washington Co., PA; Executor: Robert J. Fronzaglio, 135 Pleasant Avenue, McMurray, PA 15317; Attorney: Keith A. Bassi, Bassi, Vreeland & Associates, P.C., PO Box 144, 111 Fallowfield Ave., Charleroi, PA 15301

GAUTHIER, LOIS JEAN, late of Cecil Township, Washington Co., PA; Executor: Ziver A. Gauthier, Jr., 10 Jupiter Drive, Cecil, PA 15321; Attorney: Jeffrey P. Derrico, Greenlee, Derrico & Posa, 122 South McDonald St., McDonald, PA 15057

GUY, MARIA GZENKO, a/k/a **MARIA G. GUY** a/k/a **MARIA GUY**, late of Canonsburg, Washington Co., PA; Administratrices: Dorothy Guarascio and Katherine Kaiser, c/o Kusturiss, Wolf & Kusturiss; Attorney: David B. Wolf, Kusturiss, Wolf & Kusturiss, 12 North Jefferson Avenue, Canonsburg, PA 15317

HISCAR, EDWARD S., a/k/a **EDWARD STEPHEN HISCAR**, late of Pittsburgh, PA; Executors: Lynn Ann Hiscar, 2828 Locust Drive, Pittsburgh, PA 15241; George H. Hoffman, 5418 Lantern Hill Extension, Pittsburgh, PA 15236; Attorney: Christine Brown Murphy, Zacharia & Brown Law Offices, 111 West McMurray Road, McMurray, PA 15317

LAMBERT, ALBERT J., a/k/a **ALBERT J. LAMBERT, JR.**, late of Coal Center, Washington Co., PA; Executor: Robert L. Lambert, 5226 Thoms Run Road, Presto, PA 15142; Attorney: Michael J. Witherel, Witherel & Associates, 966 Perry Highway, Pittsburgh, PA 15237

LOCKE, MARTHA, late of Finleyville, Washington Co., PA; Administrator: Roy A. Locke, 4508 Finleyville Elrama Road, Finleyville, PA 15332; Attorney: Daniel F. Bekavac, Sr., 400 Market Street, Elizabeth, PA 15037

MAKOKELE, MAUREEN E., late of Peters Township, Washington Co., PA; Administrator: Carmen Makokele, c/o M.E. Williams, 108 Lexington Ave., Pittsburgh, PA 15215; Attorney: M. Elizabeth Williams, 108 Lexington Ave., Pittsburgh, PA 15215

MULLEN, JULIA, late of Charleroi, Washington Co., PA; Executrix: Shirley P. Mavrakis, 515 Grant Street, Belle Vernon, PA 15012; Attorney: Bradley M. Bassi, Bassi, Vreeland & Associates, P.C., PO Box 144, 111 Fallowfield Ave., Charleroi, PA 15022

REEVES, CLARENCE A., a/k/a **CLARENCE ALVIN REEVES**, late of South Franklin Township, Washington Co., PA; Executrix: Barbara M. Reeves, 2650 Park Avenue, Washington, PA 15301; Attorney: Susan Mondik Key, Peacock Keller & Ecker, LLP, 70 East Beau St., Washington, PA 15301

VERMEULEN, DENISE, a/k/a **DENISE DECOOK VERMEULEN**, late of Smith Township, Washington Co., PA; Executor: Dwayne Vermeulen, c/o D'Onofrio Law Office, P.C.; Attorney: Padma Kolluru, D'Onofrio Law Office, P.C., 500 Commerce Dr., Ste 110, Moon Township, PA 15108

VOLKAVICH, MARY, late of Washington Co., PA; Executor: Joseph R. Bartina, 209 Crest Avenue, Charleroi, PA 15022; Attorney: Lisa J. Buday, PO Box 488, California, PA 15419

ZETS, THEODORE, a/k/a **TED ZETS**, late of Washington, Washington Co., PA; Administratrix: Sharon L. Zets, C/O Samuel F. Zets; Attorney: Samuel F. Zets, One Oxford Centre, 301 Grant St., Ste 830, Pittsburgh, PA 15219

ZETS, SAM, a/k/a **SAMUEL ZETS**, late of Fredericktown, Washington Co., PA; Administratrix: Sandra J. Zets, c/o Samuel F. Zets ; Attorney: Samuel F. Zets, One Oxford Centre, 301 Grant St., Ste 830, Pittsburgh, PA 15219

CORPORATION NOTICE

FICTITIOUS NAME

NOTICE is hereby given pursuant to the provisions of Section 311 of Act 1982-295 (54 Pa. C.S. Sec. 311), that a certificate was filed in the office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, on the 8th day of September, 2016, for the conduct of a business in Washington County, Pennsylvania, under the assumed or fictitious name, style or designation is **COWBOY'S BAR & GRILL** with its principal place of business at 1607 Main St., Burgettstown, PA 15021.

The name(s) and/or address(es) of all persons owning or interested in said business: Joseph M. Yanek. 2)10-1

MISCELLANEOUS

IN THE COURT OF COMMON PLEAS
OF WASHINGTON COUNTY,
PENNSYLVANIA
CIVIL DIVISION-LAW
No. 2016-5421

IN THE MATTER OF PETITION FOR
CHANGE OF NAME OF **DESTINY
FOWLER**
NOTICE OF NAME CHANGE

AND NOW, comes the Petitioner, Destiny Fowler, by and through her attorneys of Sweat Law Offices and files the within Notice of Name Change averring in support thereof as follows: Notice is hereby given that on September 02, 2016, the petition of **DESTINY FOWLER** was filed in the above names Court, requesting an order to change the name of DESTINY FOWLER to **DESTINY SAGE**.

The Court has fixed the day of October 05, 2016, at 1:00 PM. in Room 6 of Washington Courthouse, Washington, Pennsylvania as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

RESPECTFULLY SUBMITTED:
ANDREW H. SWEAT, ESQ.
ATTORNEY FOR PETITIONER

4)10-1

IN THE COURT OF COMMON PLEAS
OF WASHINGTON COUNTY,
PENNSYLVANIA
CIVIL ACTION – LAW
No. C-63-CV-201604216

WELLS FARGO BANK, N.A.

Plaintiff

Vs.

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS, AND ALL PERSONS,
FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR
INTEREST FROM OR UNDER
DOROTHY VERMEULEN,
DECEASED,**

Defendant

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DOROTHY VERMEULEN, DECEASED

You are hereby notified that on July 15, 2016, Plaintiff, WELLS FARGO BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of WASHINGTON County Pennsylvania, docketed to No. C-63-CV-201604216. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 131 STATION STREET, MC DONALD, PA 15057-1135 whereupon your property would be sold by the Sheriff of WASHINGTON County.

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

NOTICE

If you wish to defend, you must enter a written appearance personally or by

attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Notice to Defend:
WASHINGTON COUNTY
SOUTHWESTERN PA LEGAL AID
SOCIETY
14 WEST CHERRY STREET
Washington, PA 15301
Telephone (724) 225-6170

Lawyer Referral Service
Washington County Bar Association
119 South College Street
Washington, PA 15301
Telephone (724) 225-6710

6)10-1

MUNICIPAL

NOTICE OF INTENTION TO ADOPT BOROUGH OF CHARLEROI ZONING ORDINANCE NO. 1015-2016

NOTICE IS HEREBY GIVEN that the Borough of Charleroi Council intends to

adopt Zoning Ordinance No. 1015-2016 on Thursday, November 10, 2016 at 6:00 p.m. in Council Chambers of the Charleroi Borough Building, 338 Fallowfield Avenue, Charleroi, Pennsylvania.

The following is a summary of proposed Zoning Ordinance No. 1015-2016:

A Zoning Ordinance setting forth community development objectives and purposes: that distribute land uses to meet the physical, social, cultural, economic and energy needs of the present and future populations; ensure that new development and redevelopment of existing properties is compatible with surrounding developments in use, character and size; provide for land uses that serve important public needs including a variety of housing options and employment generators; protect and enhance property values; protect natural, historic and environmental resources. In accordance with the foregoing purposes and objectives, the ordinance establishes regulations governing the height, number of stories and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts and other open spaces; population density and intensity of use; and the location and use of buildings, other structures and land for business, industrial, residential or other purposes.

The proposed Zoning Ordinance may be examined at the Charleroi Borough Building, 338 Fallowfield Avenue, Charleroi, Pennsylvania 15022 and at the Washington County Law Library, One South Main Street, Suite G0004, Washington, Pennsylvania 15301, during normal business hours.

Roberta Doerfler, Secretary
Alan Benyak, Solicitor

7)10-1

OBITER DICTUM CONT'D from page 3

by Justice Clarence Thomas, joined by Justice Samuel A. Alito Jr., stressed that the Supreme Court had never ruled whether a defendant is entitled to a prompt sentencing hearing under the due process clause and the decision takes no position on the issue. In a separate concurrence, Justice Sonia Sotomayor said she would use a four-factor test in cases involving sentencing delays and the due process clause; [3] “Phyllis Randolph Frye is the first openly transgender judge in the nation. On Thursday, she talked with the ABA about recent bathroom laws as well as her own experiences as a transgender individual over the last four decades. ‘I did come out of the closet in ‘76,’ Frye said. ‘At the time, there was a law that made me subject to arrest. I fought it, I got it changed. I went to law school while I was still illegal out of the closet. I went down to the courthouse as a lawyer and I was the only out lawyer down there. I’ve been the only out lawyer a lot of different places. It’s been a struggle, but I made it’”; [4] “It isn’t just in Illinois and North Carolina that new standards concerning restroom and locker room use by transgender students in schools that receive federal funding have sparked litigation. Recently, a federal lawsuit was filed in Dallas by officials in 11 states against the Obama Administration, contending that new federal guidelines for access to such facilities, in schools and workplaces, by transgender individuals are unconstitutional, according to ABC News and the *Washington Post*. The plaintiffs are the states of Alabama, Georgia, Louisiana, Maine, Oklahoma, Tennessee, Utah, West Virginia and Wisconsin, as well as individual school districts in Arizona and Texas, which note that violation of the guidelines could put at risk the nearly \$70 billion that the federal government directs toward state and local education.” (Article by Martha Neil) •• “Sixteen states have passed laws cutting funding to the Planned Parenthood Federation of American since last July, when activists released undercover videos purporting to show that clinics were selling tissue obtained from aborted fetuses. As legislation spreads across the U.S., Planned Parenthood is taking states to court, one by one . . . The group has filed 15 lawsuit since last July challenging states’ attempts to cut off funds or otherwise restrict its ability to operate. ‘To put this in perspective, we typically file around three to six cases a year,’ Dr. Raegan McDonald-Mosley, chief medical officer of Plan Parenthood, said during a conference call . . .” (From an article by Claire Suddath which appeared in *Bloomberg Businessweek*)

•• *The foregoing material does not necessarily reflect the views of the employees, officers and/or members of the Washington County Bar Association. Obiter Dictum is not an editorial, it is a compilation of items about the law, attorneys and related matters. It is not intended to endorse or promote any particular point of view. Comments, criticism and suggestions should be addressed to the Editor, preferably in writing. All articles & publications referred to above are on file in the Bar office.*

Earn a Master of Arts in

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