

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Gintoff v. Thomas, 2018 WL 2084818 (Lacka. Co. 2018)

DATE OF DECISION: May 4, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

James J. Conaboy, Esquire, Counsel for Plaintiffs, Pamela Gintoff and David Gintoff
James A. Doherty, Jr., Esquire, Grace E. Doherty, Esquire, Counsel for Defendants, Lisa C. Thomas, M.D. and Hematology and Oncology Associates of NEPA, P.C., Stuart T. O'Neal, Esquire, Katherine E. Senior, Esquire, Amy Redington Riley, Esquire, Counsel for Defendant, Regional Hospital of Scranton

SUMMARY OF OPINION:

In this malpractice action alleging negligent prescription and monitoring of anticoagulation therapy that caused a right occipital hemorrhage which warranted an emergency craniotomy and resulted in permanent harm, the defendant – hospital filed a motion for summary judgment seeking to dismiss the claims for vicarious liability and corporate negligence on the ground that they are not supported by the requisite expert opinion establishing a factual issue as to a deviation from the standard of care and a causal connection between that deviation and the harm claimed. The sole liability expert report produced by plaintiffs contained opinions from a hematology expert only as to the causal negligence of the co-defendant hematologist, and that expert did not criticize the care provided by any hospital personnel, nor did the expert offer any opinion or evidentiary support for a corporate negligence claim against the hospital. Moreover, plaintiffs previously stipulated that the co-defendant hematologist was not an actual or ostensible agent for whom the hospital could be found vicariously liable. Thus, even when the summary judgment record was examined in the light most favorable to plaintiffs as the non-moving parties, it lacked the necessary expert opinion to establish a *prima facie* claim for vicarious liability or corporate negligence. Accordingly, the hospital's motion for summary judgment was granted.

JUDICIAL OPINION

CASE NAME AND NUMBER: Layo v. Peoples Security Bank & Trust Company, 2018 WL 2123977 (Lacka. Co. 2018)

DATE OF DECISION: May 8, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Andrew J. Katsock, III, Esquire, Counsel for Plaintiff, Sheila M. Layo
George A. Reihner, Esquire, Danielle M. Mulcahey, Esquire, Counsel for Defendant, Peoples Security Bank and Trust Company, formerly Peoples Neighborhood Bank, formerly Peoples National Bank
Walter T. Grabowski, Esquire, Counsel for Defendant, Mountainside Common LLC

SUMMARY OF OPINION:

The ostensible purchaser of a townhouse unit in a bungled real estate transaction, which resulted in the criminal conviction and incarceration of the settlement agent, filed another lawsuit demanding quiet title relief, in response to which the defendant-bank filed a preliminary objection seeking to dismiss the quiet title action based upon the doctrine of *lis pendens* or pendency of a prior action. Review of the complaints filed in the 2012 and 2017 quiet title actions reflected that both cases involved the same parties, real estate transaction, quiet title claims, and requested relief. As a result, and in the interests of avoiding duplication of effort, conserving judicial resources, and assuring a single and consistent result, the later filed 2017 action was subject to dismissal based upon the doctrine of *lis pendens* due to the continuing pendency of the 2012 action. Therefore, the bank's preliminary objection pursuant to Pa.R.C.P. 1028(a)(6) was sustained.

LACKAWANNA JURIST

ESTATES

First Notice

ESTATE OF VINCENT E. ANGELONI, DECEASED, late of 228 RIVERSIDE DRIVE, PECKVILLE, PA 18452. (Died May 29, 2018) ELISE GILROY, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

NOTICE IS HEREBY GIVEN that Letters of Testamentary have been granted to Dayle Dobroski, Executrix of the **ESTATE OF IRENE T. CZARNECKI, A/K/A IRENE CZARNECKI**, late of Dickson City, Lackawanna County, Pennsylvania, date of death March 13th, 2018. Creditors are to present claims and debtors are to make payments to Anne Marie Howells, Esquire (Attorney for Estate), 307 West Market Street, Suite #1, Scranton, PA 18508-2783. (570)-344-1088

Notice is hereby given that Letters of Testamentary have been issued in the **ESTATE OF STELLA FIALKOWSKY**, late of Moosic, Pennsylvania. (died February 13, 2018), all persons having claims against the estate to make known to, and all persons indebted to the decedent to make payment without delay, to Diane Koenig, Executrix, or to William T. Jones, Esquire, Attorney for the Estate, 639 Jefferson Avenue, Scranton, PA 18510.

ESTATE OF WILLIAM JOHN FLOOD A/K/A WILLIAM J. FLOOD, DECEASED, late of 102 HICKORY STREET, ARCHBALD, PA 18403, (Died May 3, 2018) SEAN FLOOD, Executor; Dante A. Cancelli, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

RE: **ESTATE OF HELEN M. GLINSKY**, late of Jefferson Township, Lackawanna County, Pennsylvania (died June 26, 2018). Notice is hereby given that Letters Testamentary for the Estate of Helen M. Glinsky have been issued to Kelly A. Barbolish, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executrix, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters of Administration in the **ESTATE OF PATRICIA A. HEUER**, (Date of Death: April 3, 2018), late of the City of Carbondale, Lackawanna County, Pennsylvania, have been granted to the undersigned. All persons indebted to said estate are required to make immediate payment and those having claims shall present them for settlement to: CAROL ANN MONDELLO, ADMINISTRATRIX, BRENDA D. COLBERT, ESQUIRE, COLBERT & GREBAS, P.C., 210 Montage Mountain Road-Suite A, Moosic, PA 18507.

ESTATE OF WILLIAM NASSER, late of Throop, Lackawanna County, Pennsylvania. (died January 28, 2018). Letters of Administration have been granted to Donna Nasser, Administratrix of the Estate, who requests all persons having claims or demands against the Estate of the Decedent to make known the same, and all persons indebted to the Decedent to make payments without delay to the Administratrix named herein or to Edwin A. Abrahamsen, Esquire, attorney for the Estate, ay 1006 Pittston Avenue, Scranton, PA 18505.

ESTATE OF DANIEL C. OBRIEN, late of Jefferson Township, PA (died October 16, 2017), Letters of Administration having been granted to Gloria Kellogg. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to Gloria Kellogg, Administratrix, or to: Tullio DeLuca, Attorney for the Estate, 381 N. 9th Avenue, Scranton, PA 18504.

ESTATE OF WILLIAM J. PURCELL, late of Carbondale, Lackawanna County, PA (died May 14, 2018). Letters of Administration were granted to Kathleen Munley. Creditors present claims and debtors make payment to the Administratrix, or to Kim A. Giombetti, Esq., The Ritz Building, 222 Wyoming Avenue, Scranton, PA 18503, Attorney for the Estate.

ESTATE OF HARRIET B. SCHECTMAN, late of Clarks Summit, Pennsylvania, (died 06/29/2018). Notice is hereby given that Letters of Testamentary on the above estate have been granted to Susan M. Schectman, of Pacifica, CA 94044, and Amy L. Garrison, Sparks NV 89431, Co-Executors. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executors named herein, or to Nicholas D. Tellie, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

Second Notice

ESTATE OF HELEN BARON late of the Borough of Old Forge, Lackawanna County, Pennsylvania (died June 26, 2018). Personal Representatives are Alfred Baron, Jr. and Mark Baron, 266 East Morton Street, Old Forge, PA 18518. Attorney for the Estate is Nancy M. Barrasse, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503

ESTATE OF MARY ANN CONNOLLY, late of Scranton, Pennsylvania, (died March 5, 2018). Letters of Administration have been granted to Ann Marie Ellard Lee, Administrator of the Estate, who requests all persons having claims or demands against the Estate of the Decedent to make known the same, and all persons indebted to the Decedent to make payments without delay to the Administrator named herein or to James J. Conaboy, Esquire, attorney for the Estate, at 1006 Pittston Avenue, Scranton, PA 18505.

ESTATE OF CAROLYN CRAIG, late of Dalton, Lackawanna County, PA (died March 10, 2018), Letters of Administration having been granted to Laura Craig, Dalton, Lackawanna County, Pennsylvania. Creditors shall make demand and debtors shall make payment to the Administrator or to the Attorney for the Estate, David J. Ratchford, P.O. Box 121 Scranton, PA 18501.

Notice is hereby given that Letters Administration have been granted in the **ESTATE OF DONNA A. DOLAN**, deceased, late of Scranton, Lackawanna County, Pennsylvania who died on July 3, 2018. All persons indebted to the estate are required to make payment and those having claims or demands are to present the same, without delay, to Donald P. Dolan, 425 S. Blakely Street, Dunmore, PA 18512.

RE: **ESTATE OF DONALD J. GOLDEN**, also known Donald Joseph Golden, as late of Moscow, PA, who died November 18, 2012. Letters Testamentary in the above estate having been granted, all persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to: Sharon R. Golden, Executrix, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

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ESTATE OF DOROTHY F. MALOS, late of Scranton (died June 17, 2018), David J. Malos, Executor, c/o Koff, Mangan, Vullo & Gartley, P.C. 1065 Highway 315, Ste. 302, Wilkes-Barre, PA 18704.

ESTATE OF MARY PATRICIA MAWHINNEY A/K/A SISTER M. JAMESSELLA MAWHINNEY, IHM, late of 2300 Adams Avenue, Scranton, Lackawanna County, Pennsylvania (died May 2, 2018). Letters Testamentary having been granted, all persons having claims or demands against estate of decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to Sister Ellen Maroney, IHM, Executor, IHM Center, 2300 Adams Avenue, Scranton, Pennsylvania 18509 or to James J. Gillotti of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

ESTATE OF MARK T. MEHALL, Scranton, Lackawanna County, PA, died April 27, 2018, Letters Administration granted, all persons having claims against said Estate, shall make them known, present them and all indebted to decedent shall make immediate notification to Christopher Mehall, Administrator, or to Caputo & Mariotti, P.C., 730 Main Street, Moosic, PA 18507.

ESTATE OF ROBERT R. O'NEILL, late of the City of Scranton, Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Anthony J. O'Neill and Janet A. O'Neill, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to them c/o Joseph Kosierowski, Esq. 400 Broad Street, Milford, Pennsylvania 18337.

ESTATE OF RICHARD SEVENSKY A/K/A RICHARD M. SEVENSKY, late of 420 Cherry Street, Scranton, Lackawanna County, Pennsylvania (died June 24, 2018). Letters Testamentary having been granted, all persons having claims or demands against estate of decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to Richard Berezinsky, Executor, 241 Harbison Circle, Myrtle Beach, South Carolina, 29579 or to James J. Gillotti of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

ESTATE OF ANTHONY SIMON, late of Scranton, PA (died April 22, 2018), Letters of Testamentary having been granted to Christine E. Kondrosky. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to Christine E. Kondrosky, Executrix, or to: Tullio DeLuca, Attorney for the Estate, 381 N. 9th Avenue, Scranton, PA 18504.

Third Notice

ESTATE OF JOSEPH H. CAMPAGNA, Deceased late of Thornhurst, PA LACKAWANNA COUNTY: Died June 12, 2018. Notice is hereby given that letters of Testamentary has been granted in the above estate. All persons indebted to said estate are required to make payments and those having claims or demands are to present the same without delay to Joann M. Cistone, Executrix, 1471 Buck Hill Drive, Southampton, PA 18966.

ESTATE OF ANTHONY J. CAPOCCIA A/K/A ANTHONY JOSEPH CAPOCCIA, late of 214 Franklin Street, Dunmore, Pennsylvania (died April 11, 2018). Letters Testamentary having been granted, all persons having claims or demands against estate of decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to Vincent

Capoccia, 214 Franklin Street, Dunmore, Pennsylvania 18512 and Ann Marie Zieno, 17 Silver Street, Sidney, New York 13838, Executors, or to James J. Gillotti of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

ESTATE OF AGNES M. GOLDEN, A/K/A AGNES GOLDEN, late of Scranton, Lackawanna County, Pennsylvania, Deceased. Letters of Administration C.T.A. on the above estate have been granted the undersigned pursuant to 20 Pa.C.S.A. §3155(b)(5), all persons indebted to said estate are requested to make immediate payment, and those having legal claims to present the same without delay to: Gregory J. Pavlovitz, Esq., Pavlovitz & Fackenthal, LLC, 408 W. Market Street, 1st Floor, Pottsville, PA 17901

IN RE: ESTATE OF BARBARA L. HOFFMAN, late of Olyphant, Pennsylvania (Died March 15, 2015). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Robert Hoffman. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executor named above or to Eugene Daniel Lucas, Esquire, 207 Lackawanna Avenue, Olyphant, PA 18447.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted in the **ESTATE OF ADAM J. LUTCHKO, A/K/A ADAM J. LUTCHKO, JR., OR ADAM LUTCHKO, OR ADAM LUTCHKO, JR.**, Deceased, late of 60 Copeland Avenue, Carbondale, Lackawanna County, Pennsylvania 18407, who died on May 27, 2018. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Co-Administrators, Theresa Lutchko and John Lutchko, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF VIRGINIA A. MINER, AKA VIRGINIA MINER, Deceased late of Blakely, PA LACKAWANNA COUNTY: Died February 19, 2018. Notice is hereby given that letters of Testamentary has been granted in the above estate. All persons indebted to said estate are required to make payments and those having claims or demands are to present the same without delay to Natalie B. Miner, Executrix, 113 Smith Street, Manlius, NY 13104 and James R. Miner, 22042 Water Run Court, Ashburn, VA 20148.

ESTATE OF JEFFREY M. YOUNG, AKA JEFF YOUNG, Deceased late of Scranton, PA LACKAWANNA COUNTY: Died December 22, 2017. Notice is hereby given that letters of Administration has been granted in the above estate. All persons indebted to said estate are required to make payments and those having claims or demands are to present the same without delay to Theresa Marie Young, Administrator, 618 Pear Street, Scranton, PA 18505.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed and approved by the Pennsylvania Department of State on July 11, 2018, in accordance with the provisions of the Business Corporation Law of December 21, 1988, as amended, for the incorporation of **NICHOLS BUS, INC.**

Carl J. Poveromo, Esquire
T1 - 7/27

LACKAWANNA JURIST

FICTITIOUS NAME

Notice is hereby given that an Application for Registration of Fictitious Name was filed with the Department of State of the Commonwealth of Pennsylvania pursuant to the Fictitious Names Act for **Andy's Trophy Nature Taxidermy**. The address of the principal office and place of business to be carried on under the fictitious name is 612 Delaware Street, Mayfield, PA 18433. The name and address of the individual interested in the business is Andrew T. Nowak, 612 Delaware Street, Mayfield, PA 18433.

Michael N. Krisa, Esquire
T1- 7/27

35-2017-567
Helen M. Schroth-O'Malley
Deceased

First & Final Account
Fidelity Deposit
& Discount Bank
Executor
Daniel L Penetar Jr Esq

T1-7/27

NOTICE

IN THE COURT OF COMMON PLEAS OF LACKAWANNA
COUNTY
CIVIL ACTION LAW
NO:2018-CIV-3109

CHIEFLY GROUP LLC
vs.

SLM FINANCIAL CORPORATION

TEN (10) DAY NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT FOR FAILURE TO ANSWER

TO: SLM FINANCIAL CORPORATION

DATE: July 18, 2018

IMPORTANT NOTICE PURSUANT TO PA.R.C.P. 237.5

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGEMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER 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 ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northern PA Legal Services
33 North Main Street, Suite 200
Pittston, PA 18640
855-236-6405 Harrisburg, PA 17108
Fax:570-824-0001

PA Lawyer Referral Service
P.O. Box 1086
100 South Street
PA Residents 1-800-692-7375
Out-of-State 717-238-6715

Mey & Sullia, LLP
Justin J. Sullia, Esq.
1144 E Drinker Street
Dunmore, PA 18512
T1- 7/27

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that Certificate of Organization for Domestic Limited Liability Company of **JMC REAL ESTATE, L.L.C.** was filed with and approved by the Pennsylvania Department of State on June 8, 2018, in accordance with the provisions of the Pennsylvania Limited Liability Company Law of 1994.

Scott R. Sanderson, Esquire
T1-7/27

NOTICE

"NOTICE TO LEGATEES"

To all legatees, creditors and other persons interested. Notice is hereby given that the following Executors, Administrators, Trustees, and Guardians have filed their accounts with the Register of Wills and Clerk of Orphans' Court, Division of the Court of Common Pleas.

The following accounts have been filed and may be examined in the Office of the Register of Wills and Clerk of Orphans' Court. If you desire to object, the same may be accomplished by filing that objection in writing with the Clerk of Orphans' Court on or before Thursday, the 2nd of August, 2018.

The accounts will be filed by the clerk, with the Court for adjudication and conformation on Friday, the 3rd of August, 2018. Distribution may be ordered or authorized without further notice if no objections are filed prior to that date.

35-2018-18
Thomas Brown
Deceased

First & Final Account
Tammy Brown Executrix
David M Sebelin Esq

35-1983-685
Hyde Park Cemetery
Association
Trust

Eleventh & Partial Account
PNC Bank N.A. Trustee
J. Stephen Feinour Esq

35-1983-685
Abington Hills Cemetery
Trust No 1

Eleventh & Partial Account
PNC Bank N.A. Trustee
J. Stephen Feinour Esq

35-1983-685
Abington Hills Cemetery
Trust No 2

Eleventh & Partial Account
PNC Bank N.A. Trustee
J. Stephen Feinour Esq

35-2017-302
Michael S. Simpkins
Deceased

First & Final Account
Frank P. Simpkins, Executor
Wayne M. Chirazzi Esq

LACKAWANNA JURIST

NOTICE

IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY
ACTION IN MORTGAGE FORECLOSURE
No. 2018 CV 2575

Esterina Bevilacqua
Plaintiff
vs.
Brian Dennis Bishop
Defendant

TO BRIAN DENNIS BISHOP:

YOU ARE HEREBY NOTIFIED THAT AN ACTION IN MORTGAGE FORECLOSURE HAS BEEN FILED AGAINST YOU REGARDING CERTAIN PROPERTY OWNED BY YOU AT 1004 CONSTITUTION AVENUE, JESSUP, PA.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defense or objections in writing with the Court within twenty (20) days. 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA LAWYER REFERRAL SERVICE
P.O. Box 186
100 South Street
Harrisburg, PA 17108
(1-800-692-7375; out of state residents phone
1-717-238-6715).

NORTHERN PA LEGAL SERVICES, INC.
33 N. Main Street, Suite 200
Pittston, PA 18640
P: (570)299-4100
Toll Free (855)236-6405
F: (570)824-0001

LACKAWANNA REFERRAL SERVICE
Lackawanna Bar Association
233 Penn Avenue
Scranton, PA 18503
Phone:570-969-9600

Oliver, Price & Rhodes
John R. O'Brien, Esquire
Attorney I.D. 30945
1212 South Abington Road, PO Box 240
Clarks Summit, PA 18411
(570)585-1200 (phone)
(570)585-5100 (fax)
Email:jrob@oprlaw.com
T1-7/27