

LACKAWANNA JURIST
JUDICIAL OPINION

CASE NAME AND NUMBER: Dickson v. Frein, 2018 WL 2459617 (Lacka. Co. 2018)

DATE OF DECISION: June 1, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Marion K. Munley, Esquire, Caroline M. Munley, Esquire, Counsel for Plaintiff, Tiffany Dickson, Individually, and as Administrator of the Estate of Bryon Keith Dickson, II
Vincent S. Cimini, Esquire, Sarah R. Lloyd, Esquire, Counsel for Plaintiff, Alex. T. Douglass
Kevin J. Dempsey, Esquire, Michael G. Gallacher, Esquire, Counsel for Plaintiff, Nicole Palmer
Joseph B. Mayers, Esquire, Counsel for Defendants, Eugene M. Frein a/k/a E. Michael Frein and Deborah Frein

SUMMARY OF OPINION:

In three consolidated actions stemming from tragic shootings that occurred outside the Pennsylvania State Police station in Pike County, the adult shooter's parents filed preliminary objections seeking to dismiss the negligence claims against them on the ground that they did not owe any recognized duty to the shooting victims for the actions of their adult son. Pennsylvania law recognizes a parental duty to exercise reasonable care in controlling or restricting access to their firearms by a minor child or an adult child who suffers from mental illness or a cognitive disability. Additionally, they owe a duty to refrain from engaging in affirmative misfeasance that is likely to affect the conduct of the shooter in such a manner as to pose an unreasonable risk of harm to others.

Plaintiffs alleged that the parents knew that the shooter suffered from mental illness, cognitive disabilities, delusions, and the inability to distinguish fantasy from reality since the time that he was a child, and rather than seek warranted mental health treatment for their son, his parents fostered his phantasms by financing his "military simulation hobby" as an adult, providing him firearms training, and furnishing him with a text on sniper techniques. Plaintiff also asserted that the parents "psychologically manipulated" their son's vulnerable mental health state and compromised cognitive condition by inculcating him with their "dangerous views" that police are "too militarized" and "wield too much power" and that "change" was necessary "to end misuse of power" by police, thereby causing their son to develop strong antipathy toward police. In addition to averring that the parents knew that their son had been "threatening to kill people that he believed had wronged him or others" and had formed "violent, terroristic plans" as a result of the parents' manipulative influence, plaintiffs contended that the parents knew, or should have known, that the son "was planning to spark a revolution by shooting Pennsylvania State Troopers." Finally, plaintiffs alleged that despite this knowledge, the parents failed to contact the police or any mental health professionals regarding their son's intentions and actions, and, to the contrary, granted him unfettered access to the repository of firearms that they owned or controlled at their residence, including the firearm that he used during his terroristic attack on the PSP station.

Based upon those averments, the parents did not establish that it was free and clear from doubt that they owed no duty of care under the law. The allegations of parental nonfeasance and misfeasance were deemed to state cognizable claims of negligence and recklessness by the parents. Thus, the parents' demurrers were overruled.

JUDICIAL OPINION

CASE NAME AND NUMBER: Hill v. Blackwater Engines, 2018 WL 2202332 (Lacka. Co. 2018)

DATE OF DECISION: May 11, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Christopher B. Jones, Esq., Counsel for Plaintiff
Howard A. Rothenberg, Esquire, Ryan P. Campbell, Esquire, Counsel for Defendant

SUMMARY OF OPINION:

The purchaser of a truck engine and accompanying warranty filed a breach of contract and unjust enrichment action against the seller/warrantor that allegedly failed to honor the purchaser's post-sale warranty claim. The parties' warranty agreement contained a choice of law provision stating that the agreement was governed by Virginia law, and a forum selection clause providing that all disputes had to be litigated in the Virginia Beach courts. The seller filed a preliminary objection asserting improper venue in Lackawanna County based upon the forum selection provision.

Under Virginia law, a forum selection clause is enforceable unless the party challenging its validity establishes that the chosen forum is unfair or unreasonable, or was imposed upon that party by fraud or unequal bargaining power. Mere inconvenience and additional expense associated with litigating a claim in the designated forum are not sufficient to render enforcement of a forum selection provision unfair or unreasonable. Since the purchaser had not demonstrated that Virginia Beach was an unfair or unreasonable forum, nor that the selected forum was the product of unequal bargaining power, the clause was enforceable and required the parties' warranty dispute to be litigated in Virginia Beach. Therefore, the preliminary objection asserting improper venue under Pa.R.C.P. 1028(a)(1) was sustained.

Second Notice

ESTATES

First Notice

RE: **ESTATE OF JOSEPH C. ABRAMOVITCH**, late of Taylor, Lackawanna County, Pennsylvania (died July 21, 2018). Notice is hereby given that Letters Testamentary for the Estate of Joseph C. Abramovitch have been issued to Francis Mickavicz, Jr., Executor of the Estate. All those having claims or demands against the Estate of indebtedness owed to the Estate shall present claims or remit payment without delay to the Executor, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street-Suite 201, Scranton, PA 18503.

RE: **ESTATE OF THERESA A. CLIFTON**, LATE OF Scranton, Lackawanna County, PA (died 03/23/2018), letters of Administration have been granted to the undersigned, 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 payment without delay to: Christine Baer, Executrix of the estate, or to her attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, Pennsylvania 18503.

RE: **ESTATE OF GABRIEL GIORDANO a/k/a GABRIEL J. GIORDANO**, Late of Jefferson Township, Pennsylvania (died May 4, 2018). Notice is hereby given that Letters of Administration for the ESTATE OF GABRIEL GIORDANO a/k/a GABRIEL J. GIORDANO, have been issued to DENNIS GIORDANO, Administrator 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 Administrator, or to MICHAEL C. COWLEY, COWLEY LAW OFFICES, LLC, Attorney for the Estate, 114 North Abington Road, Clarks Green, PA 18411.

ESTATE OF OLGA R. GULLA, deceased, late of Clarks Summit, Lackawanna County, Pennsylvania. Letters Testamentary have been granted to the undersigned who requests all persons having claims or demands against the estate of the decedent to make known all the same, and all persons indebted to the decedent to make payments without delay to: Harriet G. Fike, Executrix, c/o Benjamin J. Storms, Esquire, 537 Chestnut Street, Emmaus, PA 18049 or to her attorney Benjamin J. Storms, Esquire, 537 Chestnut Street, Emmaus, PA 18049.

Letters Testamentary have been granted on the **ESTATE OF LOUISE D. GRIPPI**, to Susan G. Davis. Make all claims and pay all debts to this representative without delay, care of the estate attorney. Attorney John J. Mercuri, PO Box 310, Moscow, PA 18444.

NOTICE is hereby given that Letters Testamentary have been given in the **ESTATE OF LEE ANN MAIRE MITCHELL a/k/a LEE ANN MITCHELL**, late of Moosic, Lackawanna County Pennsylvania, who died May 20, 2018. All persons indebted to said Estate are required to make payment, and those having claims or demands, to present the same without delay to the Executrix, Heather Louise Antolik and her attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

RE: **ESTATE OF JEANNE A. BOVARD**, late of Benton Township, Pennsylvania. Letters of Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment Richard A. Bovard, 7227 Caracara Court, Sykesville, MD 21784, Executor, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, PA 18411.

RE: **ESTATE OF LEONA M. COOPER**, late of Scranton, Lackawanna County, PA (died June 20, 2018), Letters of Administration have been granted to the undersigned, who requests all person having claims or demands against the Estate of the Decedent to make known the same, and all persons indebted to the Decedent to make payment without delay to: Paul S. Cooper, Administrator, or to his attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, Pennsylvania 18503.

RE: **ESTATE OF JAMES P. ENTROT**, late of Scranton, Lackawanna County, PA (died October 28, 2014), Letters of Administration have been granted to the undersigned, who requests all persons having claims or demands against the Estate of the Decedent to make known the same, ad all persons indebted to the Decedent to make payment without delay to: Lisa A. Robinson, Executrix of the Estate, or to her attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, PA 18503.

ESTATE OF BONNIE LEE GAYDA, late of the City of Scranton, Lackawanna County, Pennsylvania 18510, who died on June 26, 2018. Letters Testamentary have been granted to Melissa Kubilus. All persons indebted to the Estate are required to make payment and those having claims or demands to present the same without delay to John J. Warring, Attorney for the Estate, c/o The Warring Law Firm, 645 North Webster Avenue, Scranton, Pennsylvania 18510.

Letters have been granted on the **ESTATE OF DEBRA L. KOVALL**, late of S. Abington Twp, Lackawanna County, PA, (died July 25, 2018), to Julianne Liddle, Administratrix, Elizabeth Schneider, Esq. attorney for the Estate, 102 Sturbridge Road, Clarks Summit, PA 18411. All persons having claims against the estate are requested to present them in writing and all persons indebted to the estate to make payment to it in care of the Attorney noted above.

NOTICE is hereby given that Letters Testamentary have been granted in the **ESTATE OF LUCILLE KRENISKY**, late of the Borough of Old Forge, Lackawanna County, who died July 21, 2018. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Co-Executors, Donald Killino and Francine Moran, and their Attorney. DAVID CHERUNDOLO, ESQUIRE, 410 JEFFERSON AVENUE, SCRANTON, PA 18510.

RE: **ESTATE OF JOHN D. MCANDREW, JR.**, late of Scranton, Lackawanna County, PA (died January 26, 2018), Letters of Administration have been granted to the undersigned, 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 payment without delay to Mary Ann Kochanski, Executrix of the Estate, or to her attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, PA 18503.

Letters of Administration have been granted in the **ESTATE OF JANICE E. MUNCIE**, Deceased to Robert Muncie, Administrator, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503.

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RE: **ESTATE OF PAMELA A. MUSTAIKIS**, late of South Abington Township, Pennsylvania. Letters of Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Lauren M. Boldt, 987 Cheyenne Court, Hubertus, WI 53033, Executrix, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, PA 18411.

ESTATE OF EDWARD PAUL POPIL a/k/a EDWARD P. POPIL deceased July 19, 2018 late of Taylor, Lackawanna County, Pennsylvania. Letters Testamentary in the above-named estate having been granted to the undersigned, all persons indebted to the estate are requested to make immediate payment and those having claims are directed to present the same without delay to the undersigned or her attorney within four (4) months from the date hereof and to file with the Clerk of the Court of Common Pleas of Lackawanna County, Orphans' Court Division, a particular statement of claim, duly verified by an affidavit setting forth an address within the county where notice may be given to claimant. EDWARD P. POPIL, JR., LESYA L. POPIL, TANYA E. SCOTT, Co-Executors, 20 Meeting House Road, Fairport, NY 14450. JOHN J. MCGEE, Esq., Ste 302, 400 Spruce St., Scranton, PA 18503.

ESTATE OF JANE B. ROZELLE, late of Clarks Green, Pennsylvania, died June 5, 2018. Letters Testamentary on the above Estate having been granted to Richard M. Rozelle and Warren C. Rozelle, Executors, all persons indebted to said Estate are requested to make payment and those having claims to present the same without delay to Ann Lavelle Powell, Esquire, 345 Wyoming Avenue, Scranton, Pennsylvania 18503.

RE: **ESTATE OF ELIZABETH TAMOSAITS**, late of Scranton, Lackawanna County, Pennsylvania (died February 18, 2018). Notice is hereby given that Letters Testamentary for the Estate of Elizabeth Tamosaitis have been issued to Geraldine Legg, 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.

ESTATE OF JAMES R. TAYLOR, DECEASED, late of 144 PIERCE ROAD, GREENFIELD TWP., PA 18407, (Died May 23, 2018) JEAN M. TAYLOR, Administratrix; Mark G. Rudalavage, 171 Scranton-Carbondale Highway, Eynon, Pennsylvania 18403-1027, Attorney. MARK G. RUDALAVAGE, ESQUIRE

Third Notice

ESTATE OF RICHARD J. BOURCIER, Deceased late of Clarks Green, PA LACKAWANNA COUNTY: Died May 27, 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 Camille B. McCreavy, Executrix, 4029 Fairway Road, Lafayette Hill, PA 19444 and Normand Bourcier, Executor, 1017 Sleepy Hollow Road, Clarks Summit, PA 18411.

ESTATE OF MARIA T. BRIER, late of 17 Waterford Road, Clarks Summit (South Abington Township), Lackawanna County, Pennsylvania (died May 14, 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 David J. Brier, Executor, 717 15th Avenue, Honolulu, Hawaii, 96816 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 ELISEO GARBOLINO, AKA JAKE GARBOLINO, Deceased late of Dunmore, PA LACKAWANNA COUNTY: Died June 8, 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 Maria Wilhelm, Executrix, 2106 Wynne Way, Jamison, PA 18929.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF JEAN D. HEGELEIN**. Date of death June 20, 2018. All persons indebted to the said estate are required to make payment and those having claims or demands to present the same without delay to attorney for the estate, Matthew L. Meagher, Esquire, 1018 Church Street, Honesdale, PA 18431.

ESTATE OF KATHLEEN M. HINTON, AKA KATHLEEN HINTON, Deceased late of Covington Township, PA LACKAWANNA COUNTY: Died May 8, 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 Colleen Owens, Executrix, 33 Hillcrest Drive, Covington Township, PA 18444.

Notice is hereby given that Letters Testamentary have been granted in the following estate. All persons indebted to said decedent are required to make payment and those having claims or demands to present the same without delay to the Executrix for the Estate or Attorney for the **ESTATE OF MICHAEL J. RUSSEN** (date of death, May 21, 2018), Suzan Russen, Executrix and Sal Cogneetti, Jr., Attorney, c/o 700 Scranton Electric Building, 507 Linden Street, Scranton, PA 18503.

RE: **ESTATE OF CARL SIMINSKI**, late of Taylor, Lackawanna County, Pennsylvania (died June 14, 2002). Notice is hereby given that Letters of Administration C.T.A. for the Estate of Carl Siminski have been issued to David Siminski, Administrator 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 Administrator, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

RE: **ESTATE OF EVELYN F. SIMINSKI**, late of Taylor, Lackawanna County, Pennsylvania (died April 10, 2018). Notice is hereby given that Letters Testamentary for the Estate of Evelyn F. Siminski have been issued to David Siminski, Executor 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 Executor, 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 have been granted in the following estate. All persons indebted to said decedent are required to make payment and those having claims or demands to present the same without delay to the Administrator for the Estate or Attorney for the **ESTATE OF ROSEMARY B. SMITH** (date of death, April 28, 2018), Julia Smith, Administrator and Sal Cogneetti, Jr., Attorney, c/o 700 Scranton Electric Building, 507 Linden Street, Scranton, PA 18503.

ESTATE OF FLORENCE A. SPALLUTO, late of Moscow Borough, Pennsylvania, (died June 24, 2018). Notice is hereby given that Letters Testamentary on the above Estate

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have been granted to Robert A. Spalluto, of Dunmore, PA. 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 herein, or to Nicholas D. Tellie, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

NOTICE is hereby given that Letters Testamentary have been given in the **ESTATE OF CHARLOTTE ANNE SPORY, A/K/A CHARLOTTE SPORY**, late of the Clarks Summit, Lackawanna County, Pennsylvania, who died June 30, 2018. All persons indebted to said Estate are required to make payment, and those having claims or demands, to present the same without delay to the Executrix, Penny Annette Spory, and her attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

NOTICE IS HEREBY GIVEN that letters testamentary have been granted in the **ESTATE OF DONALD J. STRASBURGER**, late of 217 Stafford Avenue, Scranton, Lackawanna County, Pennsylvania who died July 1, 2018. All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to the Executrix, NANCY A. TALAPA, or JAMES J. ZAYDON, JR., ESQUIRE, the Attorney for the Estate at 1316 Main Street, Peckville, Pennsylvania.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that **The Ski Shack Enterprises, Inc.** has been incorporated under the provisions of the Business Corporation Law of 1988.

HOURIGAN, KLUGER & QUINN, P.C.
600 THIRD AVENUE
KINGSTON, PA 18704

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on August 9, 2018, the Petition for Change of Name, filed by Petitioner Robert Horan-Perez, in the Court of Common Pleas of Lackawanna County to change his name to Robert Horan. The Court has fixed September 28, 2018 at 9 a.m. as the date and time of the hearing.

T1-8/17

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on July 13, 2018, the Petition for Change of Name was filed by Petitioner, Kandice Le-Ann Burchett, in the Court of Common Pleas of Lackawanna County to change her name to Kandice Le-Ann Lulloff. The Court has fixed September 28, 2018 at 9:00 a.m. in Courtroom No. 3 as the date and time of the hearing.

T1-8/17

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN THAT John Walsh of 231 Cornell Ave., Clarks Green, PA 18411 has filed with the Secretary of the Commonwealth of Pennsylvania on the 5th day of June 2018, an application to conduct business under the assumed or fictitious name of **Inclugen**. The principal place of business will be 231 Cornell Ave., Clarks Green, PA 18411.

Zaydon & Zaydon, Attorneys
T1-8/17

FICTITIOUS NAME

Notice is hereby given that an Application for the Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 25, 2018 for **Route 6 Tire** at 79 S. Main St. Carbondale, PA 18407. The name and address of each individual interested in the business is Drew T. Reynolds at 79 S. Main St. Carbondale, PA 18407. This was filed in accordance with 54 PaC.S. 311.

T1-8/17

FICTITIOUS NAME

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 07, 2018 for **Poga Mahone** at 363 N Sumner Ave. Scranton, PA 18504. The name and address of each individual interested in the business is Colleen Sheridan at 363 N Sumner Ave. Scranton, PA 18504. This was filed in accordance with 54 PaC.S.311.

T1-8/17

FICTITIOUS NAME

An application for registration of the fictitious name **STUDIO SR**, 44 Winship Road, Covington Township, PA 18444 has been filed in the Department of State at Harrisburg, PA, File Date 06/04/2018 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Shelley L Richardson, 44 Winship Road, Covington Township, PA 18444.

T1-8/17

LACKAWANNA JURIST

The Foley Law Firm
By: Kevin P. Foley, Esquire
Attorney I.D. #53067
538 Spruce Street- Post Office Box 1108
Scranton, Pennsylvania 18501-1108
Telephone: (570) 342-8194

Counsel for Plaintiff

JORDAN MARX	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
Plaintiff	:	
vs.	:	
	:	
LIVE NATION WORLDWIDE, INC.;	:	CIVIL ACTION - LAW
LIVE NATION ENTERTAINMENT, INC.;	:	
LIVE NATION; STRIKE FORCE	:	
PROTECTIVE SERVICES;	:	JURY TRIAL DEMANDED
VF OUTDOOR, INC.; MONTAGE	:	
MOUNTAIN RESORTS, LP;	:	
CAMERON ARGON a/k/a: BIG	:	
CHOCOLATE; BIG CHOCOLATE, LLC;	:	
and CCRL, LLC.	:	
Defendants	:	NO. 2015-CV-3631

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take certain action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by an 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.

Northern PA Legal Services
33 N. Main Street
Suite 200
Pittston, PA 18640
Phone: 1-570-299-4100

Pennsylvania Lawyer Referral Service
Lackawanna Bar Association
233 Penn Avenue
Phone: 1-570-969-9161
Fax: 1-570-969-9170