

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Com. v. Pal, 2017 WL 2467336 (Lacka. Co. 2017)

DATE OF DECISION: June 6, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Brian Gallagher, Esquire, Jamie Davis, Esquire, Counsel for Commonwealth of Pennsylvania
David J. Foster, Esquire, PCRA Counsel for Defendant
Paul Walker, Esquire, Matthew Comerford, Esquire, Trial Counsel for Defendant

SUMMARY OF OPINION:

In this PCRA proceeding, the Commonwealth filed a motion presenting an issue of first impression in Pennsylvania as to whether defendant's trial counsel could be compelled to discuss defendant's ineffectiveness allegations with the prosecution in advance of the PCRA hearing. The Commonwealth contended that defendant waived the attorney-client privilege by alleging ineffective assistance of counsel, thereby enabling the prosecution to privately discuss formerly confidential information with defendant's trial attorneys, whereas defendant's trial attorneys and PCRA counsel cited an ABA Ethics Opinion disapproving of any such ex parte disclosures without judicial supervision. By filing an effectiveness claim, defendant waived the attorney-client privilege, but only as to the specific matters that defendant placed at issue in his PCRA petition, such that his trial counsel may not disclose client confidences that are unrelated to those claims. Additionally, the Supreme Court in Flor denounced the grant of unfettered access to former defense counsel's materials by the prosecution in a PCRA action without an in camera review or an issue-specific waiver analysis beforehand. Nevertheless, the Commonwealth should be permitted to discover the responses of defendant's trial attorneys to the ineffectiveness allegations in preparation for the scheduled hearing. Consequently, defendant's trial counsel were ordered to submit to an interview by counsel for the Commonwealth in the presence of the assigned judge and a court reporter who transcribed the entire discussion and furnished a copy of the transcript to PCRA counsel.

JUDICIAL OPINION

CASE NAME AND NUMBER: Gesford v. Gerrity's Market & Millett Real Estate, 2017 WL 2398710 (Lacka. Co. 2017)

DATE OF DECISION: June 2, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Christopher A. Piazza, Esquire, Counsel for Plaintiff
Richard A. Polachek, Esquire, Counsel for Defendant, Gerrity's Market
Ryan R. McBride, Esquire, Counsel for Defendant, Millett Real Estate

SUMMARY OF OPINION:

Commercial defendants in this premises liability action filed motions for summary judgment asserting that the writ of summons issued on the final day of the statute of limitations did not toll the limitations period since the praecipe was signed by plaintiff's daughter, rather than plaintiff who had not yet retained counsel, due to plaintiff's temporary incapacitation. Following the issuance of the writ, the Sheriff served defendants within five days and defendants promptly retained counsel who filed preliminary objections and engaged in pre-trial discovery. Although the procedural rules contemplate the plaintiff or counsel for plaintiff signing the praecipe for a writ of summons, defendants received proper notice of plaintiff's claim and did not suffer any prejudice in defending the suit as a result of plaintiff's technical procedural defect. Since plaintiff made a good faith attempt to properly commence this action under Rule 1007(1), and her technical misstep did not affect the substantial rights of defendants, her "error or defect of procedure" was disregarded under Rule 126, and defendants' motions for summary judgment were denied.

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ESTATES

First Notice

Estate of **Eugene J. Boland aka Gene Bookie Boland**, Deceased late of Scranton, Lackawanna PA: died 04-25-2017. Notice is hereby given that Letters Testamentary have been granted on 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 Mary Byrne 1115 Snyder Ave Scranton Pa 18504 and William Boland 1117 Snyder Ave Scranton Pa 18504. Executors.

RE: **ESTATE OF CARL J. BONAFEDE**, late of Scranton, Lackawanna County, Pennsylvania (died November 21, 2016). Notice is hereby given that Letters of Administration for the Estate have been issued to Sue Ellen Stelevich, Administratrix 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 Administratrix, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

RE: **ESTATE OF JEAN BYER a/k/a JEAN BURR BYER**, late of Clarks Summit, Lackawanna County, and State of Pennsylvania, deceased, who died on the 26th day of April, 2017. Letters of Testamentary 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 the decedent shall make payment thereof without delay to the Executor, Edward D. Byer, Jr., 320 Hallstead Street, Clarks Summit, PA 18411, or to Mattes & Mattes, P.C., 324 N. Washington Ave., Scranton, PA 18503.

Estate of **Edmund Faliskie aka Edmund J. Faliskie**, Deceased late of Archbald, Lackawanna PA: died 03-12-2017. Notice is hereby given that Letters Testamentary have been granted on 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 David Faliskie, 107 Balch Springs Circle S.E. Leesburg VA 20175. Executor.

ESTATE OF ANNA M. GALLO, late of Dunmore, Pennsylvania (died June 20, 2017). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Anthony T. Mercuri, Jr., of Clarks Summit, PA and Paul T. Mercuri, of Chaparral, NM. 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(s) named herein, or to Nicholas D. Tellie, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore PA 18512.

Estate of **Irene Ruth Getts aka Ruth Getts aka Ruth Ann Getts**, Deceased late of Taylor, Lackawanna PA: died 04-25-2017. Notice is hereby given that Letters Testamentary have been granted on 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 Donna Marie Getts, 163 Boyds Mills Rd Beach Lake PA 18405. Executor.

Estate of **Florence Kloap aka Florence Sobolewski**, Deceased late of Clarks Summit, Lackawanna PA: died 01-29-2017. Notice is hereby given that Letters Testamentary have been granted on 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 Rosemary Clay PO Box 206 Montchanin DE 19710. Executor.

RE: **ESTATE OF JOSEPH LEONARD**, Late of Scranton, Pennsylvania (died June 19, 2017). Notice is hereby given that Letters Testamentary for the ESTATE OF JOSEPH LEONARD, have been issued to TERRY WACHHOLZ, 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 MICHAEL C. COWLEY, COWLEY LAW OFFICES, LLC, Attorney for the Estate, 114 North Abington Road, Clarks Green, PA 18411.

Estate of **Rodney Mazzei**, Deceased late of Old Forge, Lackawanna PA: died 02-21-2017. Notice is hereby given that Letters Testamentary have been granted on 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 Mary E. Matthews, PO Box 482/11 Hannum St. Skaneateles Ny 13152. Executor.

ESTATE OF KEITH J. THOMPSON, late of Scott Township, PA (died February 8, 2017) Letters of Administration having been granted, all persons having claims shall present them and all persons indebted to decedent shall make payment to Twalla Wahl, Administratrix or Danielle Travagline, Esquire, Christopher B. Jones, P.C., 406 Jefferson Avenue, Scranton, PA 18510

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **Estate of Ann C. Tuzze**, Deceased, late of Mayfield, Lackawanna County, Pennsylvania, 18433, who died on June 24, 2017. 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 Executor, Edward Tranovich, or John P. Sanderson, III, Attorney for the Estate – Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to Edmund Broganski, Executor of the Estate of Theresa M. Zarnosky, Deceased, who died on July 2, 2017, late of Dunmore Borough, Pennsylvania. All persons indebted to the Estate are required to make payment and those having any claims or demands are to present the same without delay to the Executor in care of the undersigned, Bregman & Lantz LLC, 1205 Wyoming Avenue, Forty Fort, PA 18704

Second Notice

ESTATE OF MAURINA ANGELINE, Late of Clarks Summit, Pennsylvania (Died June 28, 2017). Letters Testamentary having been granted to Marianne Farrington, Executrix. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 415 Wyoming Avenue, Scranton, PA 18503.

ESTATE OF FRANK JAMES BRENZEL, SR., DECEASED, late of 424 HIGH STREET, ARCHBALD, PA 18403, (Died JUNE 15, 2017). NAN ELIZABETH BRENZEL, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

ESTATE OF FRANCIS A. BUSHTA, late of the Borough of Archbald, Lackawanna County, Pennsylvania, Date of Death 03/15/2017, Executor: John Bushta, P. Timothy Kelly, Esquire, Needle Law, P.C., 240 Penn Avenue – Suite 202, Scranton, PA 18503.

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ESTATE OF THOMAS G. CAVANAUGH, Late of Scranton, Pennsylvania (Died June 15, 2017). Letters Testamentary having been granted to Sharon L. Evans. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 415 Wyoming Avenue, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF CAMILLE M. GROVER**, Deceased, late of Clarks Summit, Lackawanna County, Pennsylvania, 18411, who died on May 3, 2017. 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 Executors, Kirsten Ericksen-Read and Francis Dougher, or John P. Sanderson, III, Attorney for the Estate - Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

Estate Notice is Hereby Given that Letters of Testamentary have been granted in the **ESTATE OF MILDRED S. NOVACK**, late of Roaring Brook Township, Lackawanna County, Pennsylvania, who died 3/20/2017. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Administrator, Valerie R. Bogart, 6 Devonald Drive, Asbury, NJ 08802. Justin J. Sulla, Esq.

RE: **ESTATE OF JOHN KUCHKO**, NOTICE IS HEREBY GIVEN that Letters Testamentary in the Estate of JOHN KUCHKO, late of the City of Scranton, Lackawanna County, Pennsylvania, (Date of Death: April 12, 2017), 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: MARGARET VAZQUEZ, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

In Re: **ESTATE OF JANET A. RUDAT**, late of the South Abington Township, died July 5, 2017. 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 the decedent shall make payments thereof, without delay to Keith P. Rudat, Executor, 16 Meer Drive, Feasterville, PA 19053, or Attorney Robert C. Robinson, Robinson & Robinson Law, LLC, 142 N. Washington Avenue, Suite 701, Scranton, PA 18503.

ESTATE OF GLORIA C. SNYDER, late of Scott Township, Pennsylvania (Died: June 30, 2017). Benjamin James Collins, Executor or Albert E. Nicholls, Jr., Attorney for the Estate, 1421 E. Drinker Street, Dunmore, Pennsylvania 18512.

ESTATE OF MARIE THERESA STEVENS A/K/A MARIE T. STEVENS, Deceased, date of death: April 29, 2017, late of Scranton, Lackawanna County, Pennsylvania. Letters of Testamentary have been granted in the Estate of Marie Theresa Stevens a/k/a Marie T. Stevens, Deceased to Julianna Fiorillo, Executrix, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503. 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.

Third Notice

ESTATE OF EDWARD M. BUSH, SR., late of Clarks Summit, Pennsylvania (died 05/05/2017). Notice is hereby given that Letters of Testamentary on the above estate have been granted to Linda R Bush, n/b/m Linda B Hallen, of Dalton, PA 18414, Executrix. All persons indebted to the said

estate are required to make payment and those having claims to present the same without delay to the Executrix named herein, or to Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

ESTATE OF JOSEPH M. CHERVINAK, DECEASED, late of 144 WEST STREET, EYNON, PA 18403, (Died MAY 22, 2017) MARIAN M. CASTNER, Executrix; Mark G. Rudalavage, 171 Scranton-Carbondale Highway, Eynon, Pennsylvania 18403-1027, Attorney.

RE: **ESTATE OF IGNATZ DEUTSCH**, late of Scranton, Pennsylvania (died February 4, 2017). Notice is hereby given that Letters Testamentary for the Estate of Ignatz Deutsch have been issued to Jacques Deutsch and Jonathan Deutsch, Executors 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 Executors at 76 Wynnedale Road, Narberth, PA 19072 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF FRANCESCO DIMATTEO, late of Peckville, Lackawanna County, Pennsylvania, (died June 19, 2017). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA 18411.

Letters of Administration have been granted on the **ESTATE OF RICHARD L. HUGHES**, to Wendy Warunek. 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.

ESTATE OF MARY B. MALCOLM, DECEASED LATE OF SCRANTON, PENNSYLVANIA (DIED DECEMBER 20, 2016). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Michael Hacker, Executor, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

ESTATE OF JACQUELINE PLISKO, Late of Moosic Borough, PA (DIED April 25, 2017), Edward J. Plisko, Jr., Administrator, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA 18507-1017.

RE: **ESTATE OF HENRY J. ROBINSON**, NOTICE IS HEREBY GIVEN that Letters Testamentary in the ESTATE OF HENRY J. ROBINSON, late of the Borough of Archbald, Lackawanna County, Pennsylvania. (Date of Death: April 19, 2017), 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: ANN GEOFFROY, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF DOROTHY SEARFOSS, Deceased, date of death: March 14, 2017, late of Clarks Summit, Lackawanna County, Pennsylvania. Letters of Testamentary have been granted in the Estate of Dorothy Searfoss, Deceased to Laura S. Angelo, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503. 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 MARY J. SOARES**, Deceased, late of Archbald, PA who died on May 13, 2017, to Evelyn L. Soares. 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

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shall make payment thereof without delay to the Executor, Evelyn L. Soares, 1330 Winton Street, Archbald, PA 18403 or to Michael J. Krushinski, Esquire, Attorney for the Estate at 418 Main Street, Dickson City, PA 18519.

ESTATE OF THERESA E. STONER, DECEASED, late of Nanticoke, Luzerne County, PA. (Died December 9, 2016). Letters of Administration have been granted to Adam T. Stoner, 39 South Main Street, Pittston, PA, 18640.

ESTATE OF PHILOMENA THIEL, late of 1507 Summit Pointe Drive, Scranton, Lackawanna County, Pennsylvania 18508 (died May 27, 2017). Letters of Administration 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 Valerie A Thiel, Administrator, 1512 Summit Pointe Drive, Scranton, Pennsylvania, 18508, or to James J. Gillotti of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted to Suzanne Telipski, Administrator of the **ESTATE OF RONALD L. TELIPSKI**, deceased, who died on January 10, 2017, late of Moosic, Pennsylvania. All persons indebted to the estate are required to make payment and those having any claims or demands are to present the same, without delay, to the Administrator, Suzanne Telipski, c/o her attorney Carlo A. LaMonica, Esquire, LaMonica Law Firm LLC, 3738 Birney Avenue, Moosic, PA 18507.

ALBERT YANULITIS, deceased, late of Scranton, PA (died June 5, 2017). Letters Testamentary 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 the decedent shall make payment thereof to Joan Linn or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Spruce Street, Scranton, PA 18503-1816.

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988, as amended, on July 10, 2017 for **Applied Cadence, Inc.**

Kevin J. Dempsey, Esquire
114 – 116 N. Abington Rd.
Clarks Green, PA 18411
t1-July 28

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation - Nonprofit were filed and approved by the Department of State of the Commonwealth of Pennsylvania on June 2, 2017, in accordance with the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended, for the nonprofit corporation of **The Grounds Café, Inc.**

Brian J. Cali, Esquire
Marianne M. Stivala, Esquire
103 E. Drinker Street
Dunmore, PA 18512
t1-July 28

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania, on April 19th, 2017, pursuant to the Pennsylvania Business Corporation Law of 1988 for the incorporation of **Lackawanna County Challenger Little League, Inc.**

Robert S. Betnar, Esquire
126 South Main Street
Pittston, PA 18640
t1-July 28

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation – For Profit were filed with and approved by the Department of State, Commonwealth of Pennsylvania, on July 14, 2017, in accordance with the Business Corporation Law of December 21, 1988, No. 177, as amended, for the incorporation of **Summit Modular Movers, Inc.** The purpose for which the corporation has been organized is to engage in and do any lawful act concerning any and all lawful business for which Corporations may be incorporated under the Business Corporation Law of December 21, 1988, as amended and supplemented.

Justin J. Sulla, Esq.
t1-July 28