

LACKAWANNA JURIST
JUDICIAL OPINION

CASE NAME AND NUMBER: Direct Printing & Mailing Services v. Happenings Communications Group, Inc.,
2018 WL 4523108 (Lacka. Co. 2018)

DATE OF DECISION: September 19, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Roger Mattes, Jr., Esquire, Counsel for Plaintiff/Counterclaim Defendant
Brian J. Cali, Esquire, Counsel for Defendant/Counterclaim Plaintiff
Patrick A. Walsh, Esquire, Counsel for Counterclaim Additional Defendant

SUMMARY OF OPINION:

The plaintiff-printer filed a breach of contract action against the defendant-magazine which, in turn, asserted a counterclaim alleging fraud by plaintiff and the non-party binding company, in response to which plaintiff filed a third party complaint against the binder asserting claims for contribution and indemnification with respect to the defendant-magazine's counterclaim. The third party defendant demurred to those claims and argued that plaintiff could not seek contribution or indemnity until it had made a payment on the underlying counterclaim. While it is true that the statute of limitations applicable to contribution and indemnification claims does not begin to run until the party seeking contribution or indemnity has made a payment on a claim or had a judgment entered against it, the right of contribution and indemnity may be asserted during the original proceeding via joinder of the additional defendant under Pa.R.C.P. 2252, or it may be pursued in a separate action by an original party who has previously been held liable to the claimant. Since there was no legal bar to plaintiff's assertion of indemnification and contribution claims in the original proceeding, the third party defendant's demurrer was overruled.

JUDICIAL OPINION

CASE NAME AND NUMBER: Leo v. Geisinger Community Medical Center, 2018 WL 4604344 (Lacka. Co. 2018)

DATE OF DECISION: September 25, 2018

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: William P. Fedullo, Esquire, Counsel for Plaintiff

Lara J. Endler, Esquire, Counsel for Defendant, Community Medical Center d/b/a Geisinger-Community Medical Center Eugene
P. Feeney, Esquire, Noah E. Katz, Esquire, Counsel for Defendants, Keith M. Pritchky, M.D. and Delta Medix, P.C.

SUMMARY OF OPINION:

Plaintiff filed a malpractice action alleging that her surgeon negligently failed to remove a tumor from the correct parathyroid gland during neck surgery, which failure was clearly evident from her intraoperative parathyroid hormone level testing, and that the hospital's pathology department misinterpreted the frozen section of her surgical specimen as a parathyroid tumor rather than an obvious thyroid nodule. Plaintiff's complaint asserted a negligence claim against the surgeon and vicarious liability claims against the hospital and the surgeon's professional corporation, and attached a report authored by the surgeon containing admissions regarding the surgical and pathological errors. After plaintiff's counsel filed certificates of merit as to each defendant, but inadvertently failed to check the appropriate boxes on the forms to indicate whether the claims against the defendants were for direct negligence or vicarious liability, defendants filed judgments of *non pros* under Pa.R.C.P. 1042.7. Upon plaintiff's filing of a petition for relief from the *non pros* judgments, the Clerk of Judicial Records struck those judgments and defendants filed motions seeking to strike plaintiff's petition and to reinstate their *non pros* judgments.

To obtain relief from judgments of *non pros*, plaintiff was required to allege facts showing that (1) her petition was timely filed, (2) a reasonable excuse existed for her counsel's conduct that precipitated the *non pros* judgments, and (3) plaintiff had meritorious causes of action. Plaintiff's petition was timely filed within 9 days of the entry of the judgments, and the parties' submissions reflected that the initial failure to check the indicated boxes on the certificate of merit forms was attributable to oversight by the secretary for plaintiff's counsel during counsel's period of medical incapacitation and convalescence. In addition to furnishing a reasonable explanation for that default, which was subsequently cured by corrected certificates, plaintiff provided factual support for the merits of her underlying claims. Since defendants' counsel and insurer were advised of plaintiff's theories of liability and the identity of her expert witness prior to the filing of the flawed certificates, they were not prejudiced by plaintiff's belated filing of compliant certificates, nor would Rule 1042.3's purpose of eliminating meritless malpractice suits at their inception be frustrated by allowing the litigation to proceed. Accordingly, plaintiff was entitled to relief from the *non pros* judgments pursuant to Pa.R.C.P. 3051, and defendants' motion to strike plaintiff's petition and to re-enter those judgments was denied.

IN RE: : IN THE COURT OF COMMON
 LANDLORD-TENANT NOTICE OF : PLEAS OF LACKAWANNA
 APPEAL FROM MAGISTERIAL : COUNTY
 DISTRICT JUDGE :
 : 2018—MISC—1

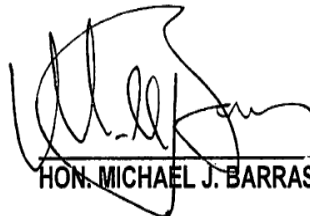
ORDER

AND NOW, this 19th day of September, 2018, all appeals filed to the Lackawanna County Court of Common Pleas from a Judgment for Possession in a Landlord-Tenant action entered by a Magisterial District Judge shall be scheduled by the Court Administrator's Office for a Status Conference between the parties and the Court.

The Status Conference shall afford the parties an opportunity to discuss the issues pending in the case with the Court. The Status Conference will not alter the regular course of litigation applicable in such actions.

MAURIL B. KELLY
 LACKAWANNA COUNTY
 2018 SEP 19 P 3:29
 CLERKS OF JUDICIAL
 RECORDS CIVIL DIVISION

BY THE COURT:



HON. MICHAEL J. BARRASSE, P.J

ESTATES**Second Notice****First Notice**

RE: **ESTATE OF CHARLES BARNAUSKAS**, late of Roaring Brook Township, Lackawanna County, Pennsylvania (died August 28, 2018). Notice is hereby given that Letters Testamentary for the Estate of Charles Barnauskas have been issued to Shirley Chester, 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 JOSEPH J. GIAMBRA, late of Peckville, PA, who died August 14, 2018. 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: Ann Marie Rogers, Executrix c/o Geff Blake, Esq., 436 Jefferson Avenue, Scranton, PA 18510, Attorney for the Estate.

ESTATE OF LOVY YUHAS KETCHA AKA LOVY LUBOV KETCHA, late of Olyphant, PA (died July 14, 2018). Notice is hereby given that Letters Testamentary for the Estate of Lubov Ketcha have been issued to Deborah Lewis, Executrix of the Estate. All those having claims or demands against the Estate shall present claims or remit payment without delay to Mark J. Conway, Attorney for the Estate, 502 South Blakely Street, Dunmore, Pennsylvania 18512.

ESTATE OF MARY A. LEWANDOWSKI late of Taylor, Lackawanna County, Pennsylvania (died January 6, 2018). Notice is hereby given that Letters Testamentary for the Estate of MARY A. LEWANDOWSKI have been issued to DONALD KLENS. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to DONALD KLENS, c/o Jule Gage, Attorney for the Estate, 615 Clay Avenue, Third Floor, Scranton, PA 18510. 570-350-5225.

In re: **ESTATE OF ROSEANNE CAROL WALL**, late of Whiteville, North Carolina, 08/05/2016. Letters in the above Estate having been granted, all person having claims or demands against the Estate of the Decedent shall make them known and present them, and all persons indebted to the said Decedent shall make payment thereof, without delay, to Susan Wall, Personal Representative, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 392 North Main Street, Archbald, PA 18403.

ESTATE OF HELEN WIRHANOWSKY, Old forge, PA (died January 10, 2018), David Williams, Administrator. Paul A. Kelly, Jr., Esq., 201 Lackawanna Avenue, Suite 306, Scranton, PA 18503.

RE: **ESTATE OF PATRICIA J. YOUNG**, late of Scranton, Lackawanna County, PA (died 03/26/2015), 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 the same, and all persons indebted to the Decedent to make payment without delay to: Pamela Y. Lucas, Executrix, or to her attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, Pennsylvania 18503.

Notice is hereby given that Letters Testamentary have been granted to Lisa M. Bauer in the **ESTATE OF WILLIAM M. BAUER, SR.**, late of Scranton, Pennsylvania, who died on September 14, 2018. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present the same without delay to Lisa M. Bauer, Executrix c/o John P. Finnerty, Esquire, 75 Glenmaura National Boulevard, Moosic, Pennsylvania 18507.

NOTICE is hereby given that Letters of Administration have been given in the **ESTATE OF LEONARD M. BERKOWITZ**, late of the City of Scranton, Lackawanna County, Pennsylvania, who died July 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 Administratrix, Esther Elefant, and her attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

ESTATE OF FRANK V. BRILLA, late of Scranton, Pennsylvania (Died: August 23, 2018). Kathleen Snyder, Executrix or Barbara J. O'Hara, Esquire, Attorney for the Estate, 1421 E. Drinker Street, Dunmore, Pennsylvania 18512.

ESTATE OF ENRICO FIORE, late of Throop, Lackawanna County, Pennsylvania, (died September 5, 2018). Notice is hereby given that Letters Testamentary on the estate have been issued to Kristina Fiore, Executrix of the Estate. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

RE: **ESTATE OF ANNA M. GERRITY**, late of Clarks Summit, Lackawanna County, Pennsylvania (died September 5, 2018). Notice is hereby given that Letters Testamentary for the Estate of Anna M. Gerrity have been issued to Margaret Felton and David Gerrity, 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, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street-Suite 201, Scranton, PA 18503.

ESTATE OF PHILOMENA M. GODOWSKI, Dunmore, PA (died August 16, 2018), Carol Godowski, Administrator. Paul A. Kelly Jr., Esq. 201 Lackawanna Avenue, Suite 306, Scranton, PA 18503.

ESTATE OF VALERIA SEPELYAK AKA. VALERIA JUSTICK, ESTATE NUMBER 35-2018-1100, DECEASED LATE OF MOOSIC, LACKAWANNA COUNTY, PA: DIED JUNE 11, 2018. NOTICE IS HEREBY GIVEN THAT LETTERS TESTAMENTARY HAVE 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 MICHELLE L. NYZIO, 3312 BIRNEY AVENUE MOOSIC PA 18507.

ESTATE OF ELIZABETH M. KOCHIS A/K/A ELIZABETH MARGARET KOCHIS, late of South Abington Twp., Pennsylvania, died 07/15/2018. Notice is hereby given that Letters of Testamentary on the above Estate have been granted to Gabriel F. Kochis, of Flanders, NJ 07836, Executor. 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.

LACKAWANNA JURIST

Notice is hereby given that Letters Testamentary have been granted to Leslie Robyn Nichols, Executrix of the **ESTATE OF JAMES ALBERT NICHOLS**, late of Benton Township, PA, who died on June 30, 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 the Executrix or to Carl J. Poveromo, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA 18501.

ESTATE OF HARRY W. SEXTON late of Scranton, Lackawanna County, Pennsylvania (died January 11, 2016). Notice is hereby given that Letters of Administration for the Estate of HARRY W. SEXTON have been issued to DAVID SEXTON, 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 DAVID SEXTON, c/o John J. McGee, Attorney for the Estate, 400 Spruce St., Suite 320 Scranton, PA 18503.

ESTATE OF COLETTE DALTON AKA. COLETTE TERRY AKA. COLETTE TERESCAVAGE, ESTATE NUMBER 35-2018-1132, DECEASED LATE OF COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PA; DIED SEPTEMBER 6, 2018. NOTICE IS HEREBY GIVEN THAT LETTERS TESTAMENTARY HAVE 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 FRANCINE BONEZKOWSKI, 215 JACKSON AVENUE DUNELLEN NJ 08812.

RE: **ESTATE OF FRANK P. TRADER**, late of Archbald, Lackawanna County, PA (died 08/02/2018), 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: Dawn Marie Koehler and Sean Arthur Bell, Co-Administrators, or to their attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, Pennsylvania 18503.

Third Notice

ESTATE OF JEAN DeSANTIS A/K/A JEAN M. DeSANTIS, late of Scranton, PA (died August 31, 2018) Letters Testamentary were granted to Marissa Zang, Executrix. Elaine C. Geroulo, Esq., Attorney for the Estate, 411 Jefferson Avenue, Scranton, PA 18510.

ESTATE OF JOSEPHINE GUZZI, late of South Abington TWP, Pennsylvania, (died August 22, 2018). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Robert Guzzi, of Dalton, 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.

Estate Notice is Hereby Given that Letters of Testamentary have been Granted to Kimberly Jones and Robert G. Jones, Jr., in the **ESTATE OF MARY ANN JONES**, late of Spring Brook Township, Lackawanna County, Pennsylvania, who died May 25, 2018. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to Justin J. Sulla, Esq., Mey and Sulla, LLP, 1144 East Drinker Street, Dunmore PA 18512.

ESTATE OF ANNMARIE KASUBA, late of Moosic Borough, PA (DIED May 16, 2018), Diane M. Marsala, Executrix, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA. 18507-1017.

ESTATE OF JOSEPH JOHN KROMKO, SR., DECEASED, late of 19 GILROY STREET, PECKVILLE, PA 18452, (Died August 24, 2018) JOSEPH KROMKO, JR., Executor; Dante A. Cancelli, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

RE: **ESTATE OF SUSAN M. MURO**, late of Scranton, PA, who died August 6, 2018. 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: Michelle Georgetti, Executrix, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503

Notice is hereby given that Letters of Administration have been granted to Gary Pisanchnyn, Executor of the **ESTATE OF MATTHEW PISANCHYN**, late of South Abington, PA, who died on July 28, 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 the Executor or to Carl J. Poveromo, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA 18501.

ESTATE OF ANN M. QUINN, late of Clarks Green, Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Brian Quinn, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to him c/o Joseph Kosierowski, Esq. 400 Broad Street, Milford, Pennsylvania 18337.

NOTICE is hereby given that Letters Testamentary have been granted in the **ESTATE OF RICHARD R. VILLEGAS, SR.**, late of the Borough of Jessup, Lackawanna County, who died June 23, 2018. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Executrix, JOHNA VILLEGAS and her Attorneys. SAPORITO, FALCONE & WATT, 490 North Main Street, Pittston, PA 18640.

ARTICLES OF INCORPORATION

Articles of Incorporation has been filed with the Pennsylvania Department of State for the entity known as **Wavco Real Estate Inc.** with a principal place of business at 415 Wyoming Avenue, Scranton, PA 18503, pursuant to the Pennsylvania Business Corporation Law of 1988 as amended.

CIPRIANI & WERNER, P.C.
T1 - 10/12

FICTITIOUS NAME

An application for registration of the fictitious name **Decker's Appliance Repair**, 108 Masters St, 2FL, Scranton, PA 18510 has been filed in the Department of State at Harrisburg, PA, File Date 8/13/2018 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Glenn Decker, 108 Masters St, 2FL, Scranton, PA 18510.

T1 - 10/12

LACKAWANNA JURIST

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

IN RE:

ADOPTION OF

SKYLAR GRACE KURILLA

A MINOR CHILD

ORPHAN'S COURT DIVISION

No. A - 56 of 2018

NOTICE

(Involuntary Termination)

TO: Seth Mark KURILLA

A Petition has been filed asking the Court to put an end to all rights you have to your children. The court has set a hearing to consider ending your rights to your children. That hearing will be held in Courtroom # 2 on the 9th day of November, 2018 at 9:30 A.M. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your children may be ended by the Court without your being present.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYR OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFIE 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.

LAWYER REFERRAL SERVICE
LACKAWANNA BAR ASSOCIATION
233 PENN AVENUE
SCRANTON, PA 18503
(570) 969-9161

/s/ Jamie A Dench
Jamie A. Dench, Esq.
500 2nd Avenue
Peckville, PA 18452
(570) 558-9987

T1-10/12