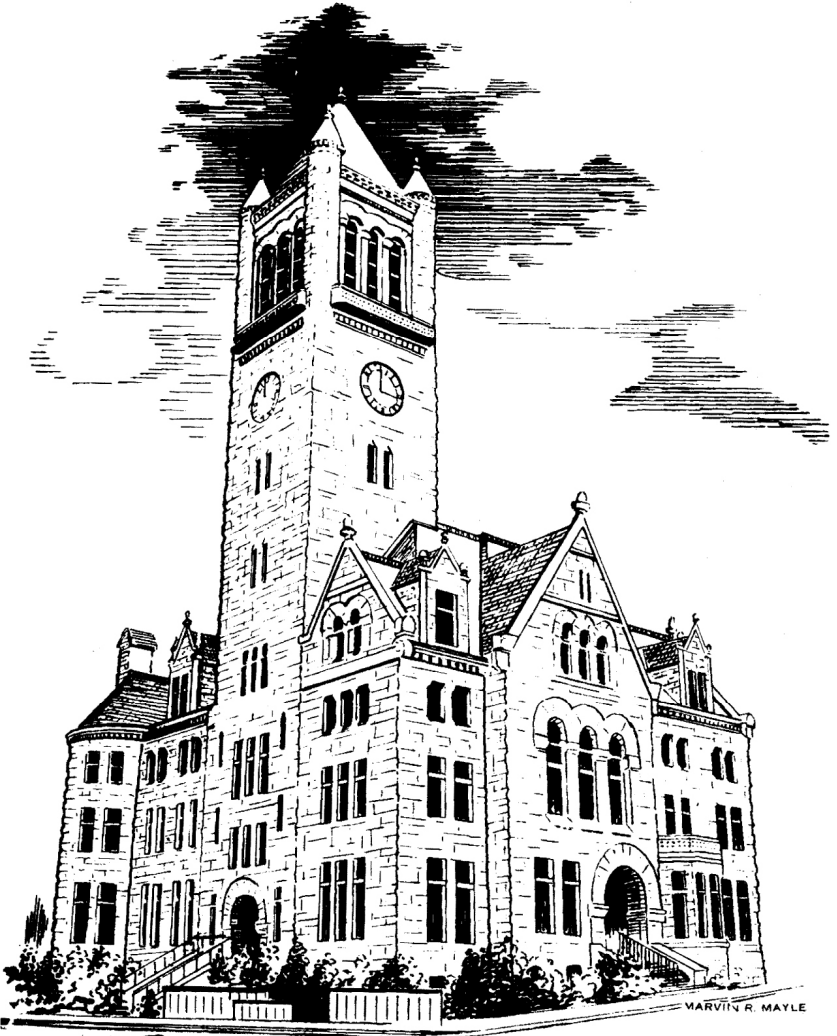


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

PETER M. CASINI, a/k/a PETER CASINI,
late of South Connellsville, Fayette County, PA

Executrix: Sara Hrisisce (3)

c/o P.O. Box 760

Connellsville, PA 15425

Attorney: Carolyn W. Maricondi

CORA BELLE DENNIS, late of Wharton
Township, Fayette County, PA (3)

Executor: John W. Dennis

c/o 51 East South Street

Uniontown, PA 15401

Attorney: Webster & Webster

**MICHAEL F. GRIMES, a/k/a MICHAEL
FRANKLIN GRIMES, a/k/a MICHAEL
GRIMES,** late of North Union

Township, Fayette County, PA (3)

Administratrix: Kimberly A. Rabatin

c/o John & John

96 East Main Street

Uniontown, PA

Attorney: Simon B. John

**RAYMOND W. PARIS, JR., a/k/a
RAYMOND WILLIAM PARIS, JR.,** late of

New Salem, Fayette County, PA (3)

Executor: Raymond D. Paris

c/o Casini & Geibig, LLC

615 West Crawford Avenue

Connellsville, PA 15425

Attorney: Jennifer M. Casini

**THOMAS A. PFARR, a/k/a THOMAS
ALVIN PFARR,** late of South Union
Township, Fayette County, PA (3)

Executor: Thomas H. Pfarr

c/o 51 East South Street

Uniontown, PA 15401

Attorney: Webster & Webster

Second Publication

**JERRY L. CRAMER, a/k/a JERRY LEE
CRAMER, SR.,** late of Saltlick Township,
Fayette County, PA (2)

Executrix: Laura J. Cramer

c/o Donald McCue Law Firm, P.C.

Colonial Law Building

813 Blackstone Road

Connellsville, PA 15425

Attorney: Donald J. McCue

FRED LEE PRITTS, a/k/a FRED L. PITTS,
late of Lower Tyrone Township, Fayette
County, PA (2)

Executrix: Wilma J. Loucks, n/k/a

Wilma J. Pritts

c/o James J. Lederach, Esquire

201 North Chestnut Street

P.O. Box 342

Scottdale, PA 15683

724-887-3600

Attorney: James S. Lederach

LEROY WILSON, late of Dunbar, Fayette
County, PA (2)

Administrator: Eileen M. Wilson

c/o Margaret Zylka House

815 A Memorial Boulevard

Connellsville, PA 15425

Attorney: Margaret Zylka House

First Publication

LEONA M. BURNSWORTH, late of Mill Run, Fayette County, PA (1)
Executrix: Cora Kilgore
 Executor: Raymond Burnsworth
 c/o Charles C. Gentile, Esquire
 2944 National Pike Road, Box 245
 Chalk Hill, PA 15421
Attorney: Charles C. Gentile

MARY ANN CARLSON, late of Fayette City Borough, Fayette County, PA (1)
Executrix: Denise Portman
 c/o Alan Benyak, Esquire
 Post Office Box 1
 401 Sixth Street at Washington Avenue
 Charleroi, PA 15022
Attorney: Alan Benyak

HARRY W. JELLYCK, late of Mt. Braddock, Fayette County, PA (1)
Executor: Jason Jellick
 c/o Vincent M. Tiberi, Esquire
 84 East Main Street
 Uniontown Pennsylvania 15401
Attorney: Vincent M. Tiberi

BARBARA KOVACH a/k/a BARBARA A. KOVACH, late of North Union Township, Fayette County, PA (1)
Administratrix: Gina M. Pergalske
 c/o Higinbotham Law Offices
 45 East Main Street
 Suite 500
 Uniontown PA 15401
Attorney: James E. Higinbotham

PHYLLIS D. SPARROW a/k/a PHYLLIS DARLENE SPARROW, late of Franklin Township, Fayette County, PA (1)
Executor: David C. Sparrow
 c/o Higinbotham Law Offices
 45 East Main Street
 Suite 500
 Uniontown PA 15401
Attorney: James E. Higinbotham

LEGAL NOTICES

NOTICE OF ADOPTION

To: Justin Pazicni, whose last known address is:

**115 Cemetary Lane
 Lemont Furnace, PA 15456**

You are hereby notified that on September 18, 2018, a Petition for Adoption of a female child born on December 22, 2004 in Fayette County, OH, and a female child born on December 30, 2005 in Fayette County, OH was filed in the Superior Court of Henry County, Georgia, Adoption No. 18-AD-0043-TP. You are hereby advised that a hearing will be held before the Superior Court of Henry County, Georgia to determine why the prayers of the Petitioner should not be granted.

All parental rights you may have with respect to the minor children will be lost and you will neither receive notice nor be entitled to object to the adoption of said children unless, within thirty (30) days from the date of the last publication of this notice, you file (1) a Petition to Legitimate the children pursuant to the Official Code of Georgia Annotated Section 19-7-22; (2) notice of the filing of such Petition to Legitimate with the Superior Court of Henry County and make known such other objections in writing as you may have; and (3) serve a copy of the Petition to Legitimate on the undersigned attorney for the Petitioner seeking to adopt said children at: The Law Offices of McGuire & Bullard, LLC, 18 Atlanta Street, Suite 200, McDonough, GA 30253. Obrézhiah L. Bullard Attorney for Petitioner Georgia Bar No. 975396 18 Atlanta Street, Suite 200, McDonough, GA 30253 Phone (678) 432-1100, Fax (678) 922-7740.

This 8th day of December, 2018.

Clerk of Superior Court
 Henry County, Georgia

(2 of 3)

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on November 20, 2018, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is GKM Phoenix LLC, having an address of 103 Oliver Road, Uniontown, Pennsylvania 15401.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about November 27, 2018, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Laurel Custom Grating, an MLP Company with the principal place of business at: 800 Brown St., Everson, PA 15631.

The name or names and addresses of persons owning and interested are: Laurel Custom Grating, LLC.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION

DENIS GLORIOSO,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
RANDALL E. WORK and	:	
MILL RUN CAMPGROUND, INC.,	:	
a Pennsylvania Corporation,	:	No. 2241 of 2017, G.D.
Defendants.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

November 29, 2018

Before the Court are Preliminary Objections filed by Defendants Randall E. Work and Mill Run Campground, Inc. to the Complaint of Plaintiff Denis Glorioso. Plaintiff’s Complaint alleges negligence against Randall Work and negligence, negligent entrustment, and vicarious liability/respondeat superior against Mill Run Campground, Inc. and therein demands judgment to include punitive damages against both Defendants.

On December 26, 2015, Plaintiff was assisting her boyfriend, Defendant Work, to install metal railing when an electric grinder that he was operating broke, striking Plaintiff in the abdomen and foot with the grinding wheel attachment. See, Complaint ¶4-7. According to Plaintiff, Defendant Work requested that she hold the metal railing on the bed of a pick-up truck to stabilize it while he used the electric grinder to grind the metal. Id. at ¶19. Plaintiff alleges Defendant Work directed her where to stand and how to hold the metal railing; that he was aware Plaintiff did not have personal protective equipment; that he did not warn her of the dangers of being in close proximity to the grinder; and that Defendant Work positioned Plaintiff within inches of the grinder and proceeded to operate it causing her injuries. Id. at ¶21-24

Defendant Work is the president and sole principal of Defendant Mill Run Campground, Inc. Id. at ¶3. According to Plaintiff, the Campground purchased the electric grinder second-hand for use in its business. Id. at ¶9. Plaintiff alleges the grinder operated by Defendant Work failed to have the protective guard in place, had attached an oversized grinding wheel, and was operated with a grinding speed higher than was capable for safe use. Id. at ¶10-16. Plaintiff maintains the Campground allowed Defendant Work to use the grinder but failed to provide proper training or instruction. Id. at ¶17-18. Plaintiff’s claims against the Campground also arise from

her allegations that, in summary, it failed to properly train and supervise Defendant Work and failed to ensure the grinder was safe for use.

Plaintiff alleges Defendant Work negligently, carelessly, and recklessly employed her assistance instead of using a clamp or vice for “this foreseeably hazardous purpose for the sake of his project’s expediency” and in so doing operated the grinder so as to cause or allow it to break apart and impact Plaintiff’s body “with great force, resulting in serious and permanent injuries and damages.” *Id.* at ¶ 32.

Defendants Work and the Campground lodge demurrers against the claims for punitive damages arguing the same is not supported by either law or the facts of this case.

STANDARD OF REVIEW

A preliminary objection in the nature of a demurrer is properly granted where the contested pleading is legally insufficient. *Cardenas v. Schober*, 783 A.2d 317, 321 (Pa.Super. 2001) citing Pa.R.C.P. 1028(a)(4). A demurrer admits every well-pleaded material fact set forth in the pleadings to which it is addressed as well as all inferences reasonably deducible therefrom, but not conclusions of law. *Gekas v. Shapp*, 364 A.2d 691 (Pa. 1976). “Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer.” *Cardenas* at 321–22. “[C]onclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion” need not be accepted as true. *Myers v. Ridge*, 712 A.2d 791, 794 (Pa.Comm. 1998). “Preliminary objections, the end result of which would be dismissal of a cause of action, should be sustained only in cases that are clear and free from doubt.” *League of Women Voters of Pennsylvania v. Commonwealth*, 692 A.2d 263, 267 (Pa.Comm. 1997). In order to sustain the demurrer, it is essential that the plaintiff’s complaint indicate on its face that his claim cannot be sustained, and the law will not permit recovery. *Id.*

DISCUSSION

Punitive damages are defined as “damages, other than compensatory or nominal damages, awarded against a person to punish him for his outrageous conduct and to deter him and others like him from similar conduct in the future.” Restatement (Second) of Torts §908(1). Punitive damages are not awarded for mere inadvertence, mistake, errors of judgment and the like, which constitute ordinary negligence. *Id.* at comment (b).

Punitive damages may only be awarded under limited conditions. Pennsylvania has adopted Section 908(2) of the Restatement (Second) of Torts regarding the imposition of punitive damages and permits punitive damages only for conduct that is “outrageous because of the defendant’s evil motives or his reckless indifference to the rights of

others.” Restatement (Second) of Torts §908(2); *Feld v. Merriam*, 485 A.2d 742 (Pa. 1984); *Chambers v. Montgomery*, 192 A.2d 355 (Pa. 1963). Punitive damages must be based on malicious, wanton, reckless, willful, or oppressive conduct on the part of the defendant. *Hughes v. Babcock*, 37 A.2d 551, 554 (Pa. 1944).

The proper focus is on “the act itself together with all the circumstances including the motive of the wrongdoer and the relations between the parties....” *Chambers*, supra., 192 A.2d at 358. Reckless indifference to the rights of others means that “the actor has intentionally done an act of an unreasonable character, in disregard of a risk known to him or so obvious that he must be taken to have been aware of it, and so great as to make it highly probable that harm would follow.” *Temporaries, Inc. v. Krane*, 472 A.2d 668, 673 (Pa. Super. 1984).

A showing of mere negligence, or even gross negligence, will not suffice to support an award of punitive damages. *Hutchison v. Penske Truck Leasing Co.*, 876 A.2d 978, 983-984 (Pa. Super. 2005). Instead, a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and (2) the defendant acted, or failed to act, in conscious disregard of that risk. *Hutchison ex rel. Hutchison v. Luddy*, 870 A.2d 766 (Pa. 2005). Since “evidence of the defendant’s knowledge or intention is highly relevant,” we must examine what evidence of mental culpability is established in the Complaint to determine whether it sets forth a cause of action which, if proved, would entitle Plaintiff to the relief sought. *Penske Truck Leasing Co.*, supra., 876 A.2d at 984.

Throughout the Complaint, Plaintiff couches her allegations of Defendants’ behavior as “reckless.” The use of the boilerplate term “reckless” however does not rise to the standard to impose punitive damages without a factual basis to support such allegation. Plaintiff makes no allegation of “evil motive.” Plaintiff’s Complaint is also void of allegations amounting to “reckless indifference” that would support a finding that Defendant Work acted intentionally with an unreasonable character. Here, Plaintiff was injured while using her person to stabilize metal railing so that Defendant Work could grind it. While such factual allegations could support a finding of negligence against Defendant Work, the allegations could not rise to the level of “reckless indifference” required for the imposition of punitive damages.

With regard to the Campground, Plaintiff has failed to set forth culpability that the Campground should have appreciated the risk of harm based on the deficiencies of the electric grinder or knew or should have known that Defendant Work directed Plaintiff to hold the metal railing in this fashion. As the name suggests, punitive damages are penal in nature and are proper only in cases where the defendant’s actions are so outrageous as to demonstrate willful, wanton or reckless conduct. See *SHV Coal, Inc. v. Continental Grain Co.*, 587 A.2d 702, 704 (Pa. 1991); see also Restatement (Second) of Torts §908, comment b.

Based on the averments of the Complaint and giving Plaintiff all reasonable inferences deducible from the well-pleaded material facts of the Complaint, this Court finds that she has failed to sufficiently allege any facts which would warrant the imposition of punitive damages in this case. Accordingly, Defendants' Preliminary Objections regarding punitive damages are sustained and all references to punitive damages are stricken from the Complaint.

WHEREFORE, we will enter the following ORDER.

ORDER

AND NOW, this 29th day of November, 2018, upon consideration of the Preliminary Objections filed by Defendants Randall E. Work and Mill Run Campground, Inc., and the Record, it is hereby ORDERED and DECREED that the Preliminary Objections are SUSTAINED and the demands for punitive damages are stricken with prejudice from the Complaint of Plaintiff Denis Glorioso.

BY THE COURT:
VERNON, JUDGE

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

FCBA RELOCATION NOTICE

The Fayette County Bar Association office is being relocated to **45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401**. Please update your directory to forward all correspondence and Legal Journal notices to the new address.

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Fayette County Bar Association's

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Tuesday, December 11th

Marilyn's on Main

4:30 pm – 6:30 pm

In support of the holiday season, please bring new, unwrapped toys for donation to Fayette County Children & Youth Services. Monetary donations payable to "CYS Advisory Board."

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