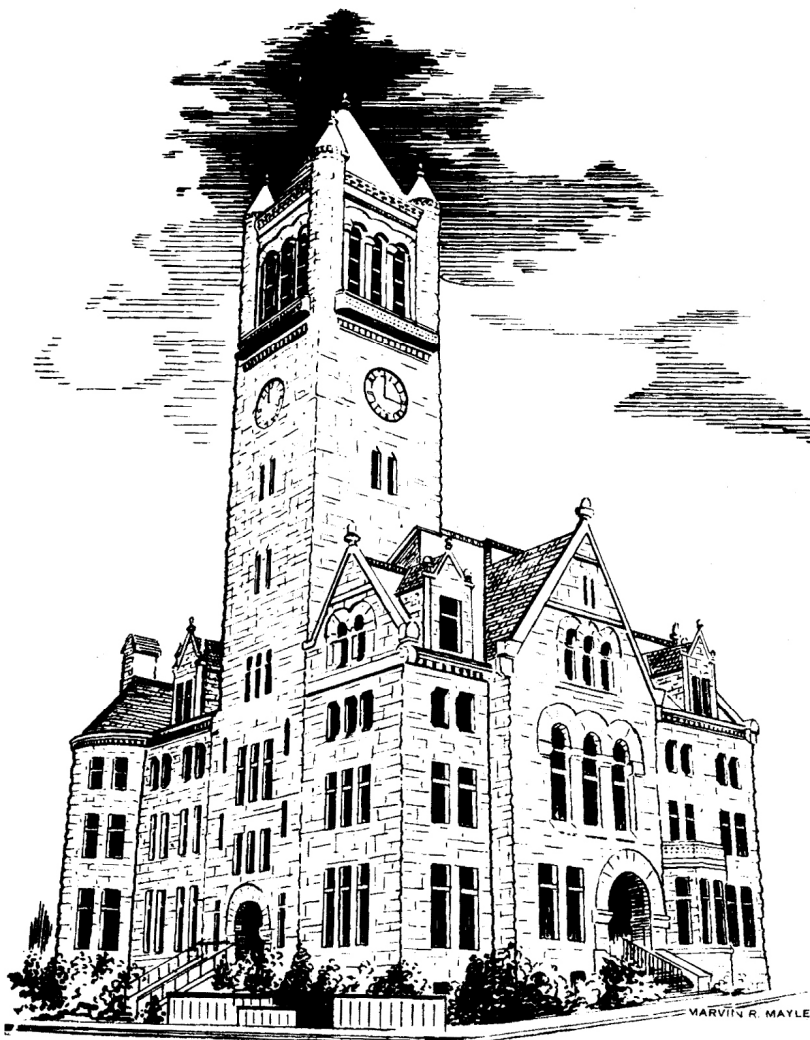


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ESTATE NOTICES

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

CHARLES CAMPBELL, a/k/a CHARLES B. CAMPBELL, JR., late of North Union

Township, Fayette County, PA (3)

Executor: Joshua T. Campbell
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

GEORGE M. KRUCKVICH, late of White Township, Fayette County, PA (3)

Personal Representative: David J. Kruckvich
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, Pa 15425
Attorney: Timothy J. Witt

CATHERINE D. LIZZA, late of Dunbar, Fayette County, PA (3)

Personal Representative: Cathleen A. Muzika
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

CAROL L. MILBY, a/k/a CAROL LYNN MILBY, late of South Connellsville Borough, Fayette County, PA (3)

Personal Representative: Donald L. Mahokey
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ARNOLD C. PETERSON, JR., a/k/a ARNOLD C. PETERSON, late of Bullskin Township, Fayette County, PA (3)

Personal Representative: Jeffrey A. Peterson
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ALBERT M. RUSKO, a/k/a ALBERT M. RUSKO, JR., late of Uniontown, Fayette County, PA (3)

Executor: Andrew C. Miller
52 East Gay Street
Columbus, OH 43216
c/o Lovett, Bookman, Harmon and Marks, LLP
Liberty Center, Suite 1150
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
Attorney: Andrew C. Miller

Second Publication

MARY CHECK, late of German Township, Fayette County, PA (2)

Co-Executor: Paul Robert Check and Donald Lloyd Check
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

SAMUEL E. CORELLA, late of Luzerne Township, Fayette County, PA (2)

Executor: Juliet Corella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

PAUL MAMMARELLA, PAUL N. MAMMARELLA, late of Luzerne Township, Fayette County, PA (2)

Executor: Mark A. Mammarella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

SANDRA MARY MCCLEAD, late of Masontown Borough, Fayette County, PA (2)

Executor: Jason Robert McClead
300 4th Street
Monessen, PA 15062

c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

DOROTHY F. RESETAR, late of South Union Township, Fayette County, PA (2)
Executor: Rev. Eugene Yackanich
 c/o Adams & Adams
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

SARAH REYNOLDS, late of Washington Township, Fayette County, PA (2)
Administratrix: Kathy M. Sedlock
 c/o Adams & Adams
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

ANTHONY K. SUNDAY, late of Smithfield Borough, Fayette County, PA (2)
Executor: Shirley Johns
 c/o Proden & O'Brien
 99 East Main Street
 Uniontown, PA 15401
Attorney: Wendy L. O'Brien

First Publication

HUNTER K. BRADDEE, late of Smithfield, Fayette County, PA (1)
Personal Representative: Amber Gibbs
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

NORMA COVILLE, a/k/a NORMA J. COVILLE, late of South Union Township, Fayette County, PA (1)
Executor: Tanya Bartelo
 16804 Dunswood Road
 Northville, MI 48168
 c/o Fitzsimmons and Barclay
 55 East Church Street, Suite 102
 Uniontown, PA 15401
Attorney: Ralph Barclay, Jr.

BETTY LOU DAVIS, a/k/a BETTY L. DAVIS, a/k/a BETTY DAVIS, late of Fairchance, Fayette County, PA (1)
Administrator: Grant A. Adams
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ANDREW DUDA, a/k/a ANDREW M. DUDA, late of Washington Township, Fayette County, PA (1)
Executor: Andrew Mark Duda
 320 Nomi Road
 Fayette City, PA 15438
 c/o 566 Donner Avenue
 Monessen, PA 15062
Attorney: Aaron Bialon

MARIE MCKENNEY, late of Dunbar Borough, Fayette County, PA (1)
Administrator: Michele A. Pagen
 696 Liberty Street
 California, PA 15419
 c/o P.O. Box 488
 California, PA 15419
Attorney: Lisa Buday

BETTY MAE RABLE, a/k/a BETTY M. RABLE, late of Luzerne Township, Fayette County, PA (1)
Executor: James E. Rable, Jr.
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

DOLORES A. ROTH, a/k/a DOLORES ANN ROTH, late of South Union Township, Fayette County, PA (1)
Personal Representative: James E. Roth
 c/o George & George, LLP
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

MADELINE R. SMITLEY, a/k/a MADELINE SMITLEY, late of Uniontown, Fayette County, PA (1)
Co-Executors: Laura Leasure and Randy L. Smitley
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

**FAYE M. SPRINGER, a/k/a FAYE
SPRINGER, a/k/a LULA FAYE SPRINGER,**

late of South Union Township, PA (1)
Executrix: Debora Lynne Springer
 c/o Zebley Mehalov & White, P.C.
 18 Mill Street Square
 P.O. Box 2123
 Uniontown, PA 15401
Attorney: Charles O. Zebley, Jr.

**MARGARET A. ZDEHOVAN, a/k/a
MARGARET ZEDHOVAN,** late of Perry
 Township, Fayette County, PA (1)

Executor: Stephane J. Gourn
 628 Jefferson Road
 Perryopolis, PA 15473
 c/o 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Sheryl R. Heid

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on September 24, 2019, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as amended. The name of the Corporation is: Agostini Holdings LLC.

Robert Gordon, Esquire
 Gordon Law P.L.L.C.
 99 East Main Street
 Uniontown, PA 15401

CORPORATION NOTICE

NOTICE is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania with respect to a corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is Prime Industrial Contracting, Inc.

Mark E. Ramsier, Attorney at Law
 823 Broad Avenue
 Belle Vernon, PA 15012

NOTICE

Notice is hereby given that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on July 17, 2019, for a business known as Global Dominion Entertainment Corporation. Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania. The purpose or purposes of the corporation is to engage in the business of Arts, Entertainment and Recreation.

Mark A. Gilmore/Kathy Fill
 151 Alpine Road, Acme, PA 15610

NOTICE OF ADMINISTRATIVE SUSPENSION

Notice is hereby given that Jeffrey Stephen Golembiewski of Fayette County has been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 14, 2019, pursuant to Rule 219, Pa.R.D.E, which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$225.00. The Order became effective September 13, 2019.

Suzanne E. Price
 Attorney Registrar
 The Disciplinary Board of the
 Supreme Court of Pennsylvania

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, October 7, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0226	RUTH LOHR (Trust under the will for Mark L. Lohr)	Cindy H. Jesso, Executrix and Trustee
2611-0918	KENNETH LINDSAY MURPHY JR. a/k/a KENNETH L. MURPHY, JR.	Samantha Stouffer and Ora Murphy, Administratrixes DBNCTA

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, October 21, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, October 7, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0249	VIRGINIA MAE EBERHARTER	Wanda Brooks and James O. Rowan, Co-Executors
2616-0105	VINCENT P. WIRBICKI	Jackie L. Wirbicki, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, October 21, 2019, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.**, or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JUDICIAL OPINION

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

ANN CARDENAS, individually and as	:	
the EXECUTOR OF THE ESTATE OF	:	
FLORENCIO P. CARDENAS,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
UNIONTOWN HOSPITAL; and NURSE	:	
KAREN A. MINICK a/k/a KAREN A.	:	
MCCARTHY,	:	No. 1431 of 2018, G.D.
Defendant	:	Honorable Linda R. Cordaro

OPINION

CORDARO, J.

September 23, 2019

SUMMARY

Before the Court are Defendants' Preliminary Objections to Plaintiffs Complaint. For the following reasons, the Preliminary Objections are overruled.

BACKGROUND

On April 23, 2019, Plaintiff filed a Second Amended Complaint in Civil Action against Uniontown Hospital and Nurse Karen Minick.

According to the Second Amended Complaint, Plaintiff is the surviving spouse to Dr. Floyd Cardenas. Dr. Cardenas was admitted to Uniontown Hospital on March 16, 2017 for "sepsis secondary to a perforated sigmoid diverticulitis with small bowel ischemia." Second Amended Complaint at Paragraph 9. Dr. Cardenas underwent several operations for his conditions.

During his post-operative care, Dr. Cardenas was prescribed 10 mg of Geodon to be administered intramuscularly every two hours as needed. On April 1, 2017, Defendant Nurse Minick administered 10 mg of Geodon intravenously, instead of intramuscularly. As a result of the administration of the drug, Dr. Cardenas became unresponsive and later died the same day.

The Second Amended Complaint includes counts of Medical Negligence, Negligence, Vicarious Liability, Wrongful Death, and a Survivor Action against the Defendants.

On May 6, 2019, Defendants filed Preliminary Objections to Plaintiffs Second Amended Complaint. A Hearing on the matter was held on August 23, 2019.

DISCUSSION

Defendants argue that Plaintiffs Second Amended Complaint contains scandalous or impertinent matter. Specifically, Defendants object to Paragraph 48, Sections (g) and (h) of Plaintiffs Second Amended Complaint. Paragraph 48 pertains to Plaintiffs claim

of Corporate Negligence against Uniontown Hospital. The relevant portion of Paragraph 48 states:

48. Defendant Hospital failed to exercise the judgment of a reasonable health care provider and negligently deviated from these acceptable standards of medical care in the following particulars:

...

g) Failing to formulate, adopt, and enforce adequate rules, policies and procedures when a nurse violates Policy 608 "Electronic Medication Administration" and specifically not enforcing adequate rules, policies and procedures when Defendant Minick violated Policy 608 on or about August 30, 2016 when she gave a medication incorrectly to a patient. Said incident put the hospital on notice that Defendant Minick was not competent to practice as a nurse at Uniontown Hospital, that defendant Minick was in need of retraining, better monitoring, and additional supervision. Additionally, said incident put the hospital on notice that their rules, policies, and procedures were insufficient, inadequate, and were not properly being enforced: and/or

h) Failing to formulate, adopt, and enforce adequate supervision, monitoring, retraining and reprimanding of Defendant Minick when she violated Policy 608 on or about August 30, 2016 when she gave a medication incorrectly to a patient. Said incident put the hospital on notice that Defendant Minick was not competent to practice as a nurse at Uniontown Hospital, that defendant Minick was in need of retraining, better monitoring, and additional supervision. Additionally, said incident put the hospital on notice that their rules, policies, and procedures were insufficient, inadequate, and were not properly being enforced...

In support of their argument, Defendants cite Pennsylvania Rule of Civil Procedure 1028(a)(2), which states:

Preliminary objections may be filed by any party to any pleading and are limited to the following grounds:

(2) [F]ailure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter[.]

In order for matter to be scandalous or impertinent, "the allegation must be immaterial and inappropriate to the proof of the cause of action." *Breslin v. Mountain View Nursing Home, Inc.*, 171 A.3d 818,829 (Pa. Super. Ct. 2017) (citing *Common Cause/Pennsylvania v. Commonwealth*, 710 A.2d 108,115 (Pa. Commw. Ct. 1998)). Allegations "appropriate to the proof of the cause of action... are not scandalous or impertinent." *Brennan v. Smith*, 299 A.2d 683, 686 (Pa. Commw. Ct. 1972). Striking an impertinent matter should be done sparingly, and "only when a party can affirmatively show prejudice." *Breslin* at 829 (citing *Commonwealth Dep't of Env'tl. Res. v. Hartford Accident and Indem. Co.*, 396 A.2d 885, 888 (Pa. Commw. Ct. 1979)).

Here, Defendants argue that the inclusion of the alleged prior incident involving Nurse Minick is irrelevant to the present action, and should therefore be stricken.

In response, Plaintiff argues that the prior incident is not included to prove that the current incident occurred, but rather to prove notice, which is one of the elements of a corporate negligence claim.

Corporate negligence is a doctrine under which a "hospital is liable if it fails to uphold the proper standard of care owed [to a] patient, which is to ensure the patient's safety and well-being while at the hospital." *Thompson v. Nason Hosp.*, 591 A.2d 703, 707 (Pa. 1991). A hospital's duties have been classified into four general areas:

- 1) A duty to use reasonable care in the maintenance of safe and adequate facilities and equipment;
- 2) A duty to select and retain only competent physicians;
- 3) A duty to oversee all persons who practice medicine within its walls as to patient care; and
- 4) A duty to formulate, adopt[,] and enforce adequate rules and policies to ensure quality care for the patients.

Thompson at 707 (Internal citations omitted).

The Pennsylvania Supreme Court in *Thompson* "adopt[ed] as a theory of hospital liability the doctrine of corporate negligence or corporate liability under which the hospital is liable if it fails to uphold the proper standard of care owed its patients." *Id.* at 708. The *Thompson* Court "fully embrace[d] the aforementioned four categories of the hospital's duties." *Id.* And, of particular importance to the case at hand, the *Thompson* Court noted that "for a hospital to be charged with negligence, it is necessary to show that the hospital had actual or constructive knowledge of the defect or procedures [that] created the harm." *Id.*

In the case presently before the Court, Plaintiff alleges in the Complaint that on a prior occasion in 2016 Nurse Minick administered medicine in a similar way to what she did to the decedent. In order to prove its theory of corporate negligence, it is necessary for Plaintiff to show that the hospital had actual or constructive notice of the defects or procedures that created the harm in the present action. Plaintiff's allegations in Paragraph 48, Sections (g) and (h) do exactly that.

Because the allegations pleaded in Plaintiff's Complaint are material to prove an element of corporate liability, the allegations are neither scandalous nor impertinent. Defendants' preliminary objections are therefore without merit.

CONCLUSION

For the foregoing reasons, Defendants' Preliminary Objections are overruled.

ORDER

AND NOW, this 23rd day of September, 2019, in consideration of Defendants' Preliminary Objections to Plaintiff's Complaint, and after a hearing on the matter, it is hereby ORDERED and DIRECTED that the Preliminary Objections are OVERRULED. In accordance with Pa.R.C.P. 1028(d), Defendants have the right to plead over within 20 days after notice of this Order.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

BENCH BAR CONFERENCE

Fayette County Bar Association
Bench Bar Conference
Wednesday, October 16, 2019
The Historic Summit Inn

Agenda

- 8:30 Meet the Sponsors & Breakfast Buffet
- 9:00 **Avoiding Legal Malpractice**
Amy J. Coco, Esquire
Pennsylvania Bar Association
1.0 ethics credit
- 10:00 **A Call for Action - Impairment in the Legal Profession
and What You Can do About it**
Brian S. Quinn, Esquire
Lawyers Concerned for Lawyers
1.0 ethics credit
- 11:00 Break
- 11:15 **Working with Social Service Providers:
What Attorneys Should Know**
Stacey Papa, Esquire - Moderator
1.0 substantive credit
- 12:30 Lunch

Cost to attend - \$75 members and \$125 non-members
RSVP due October 9th to Cindy 724-437-7994 or cindy@fcbbar.org

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