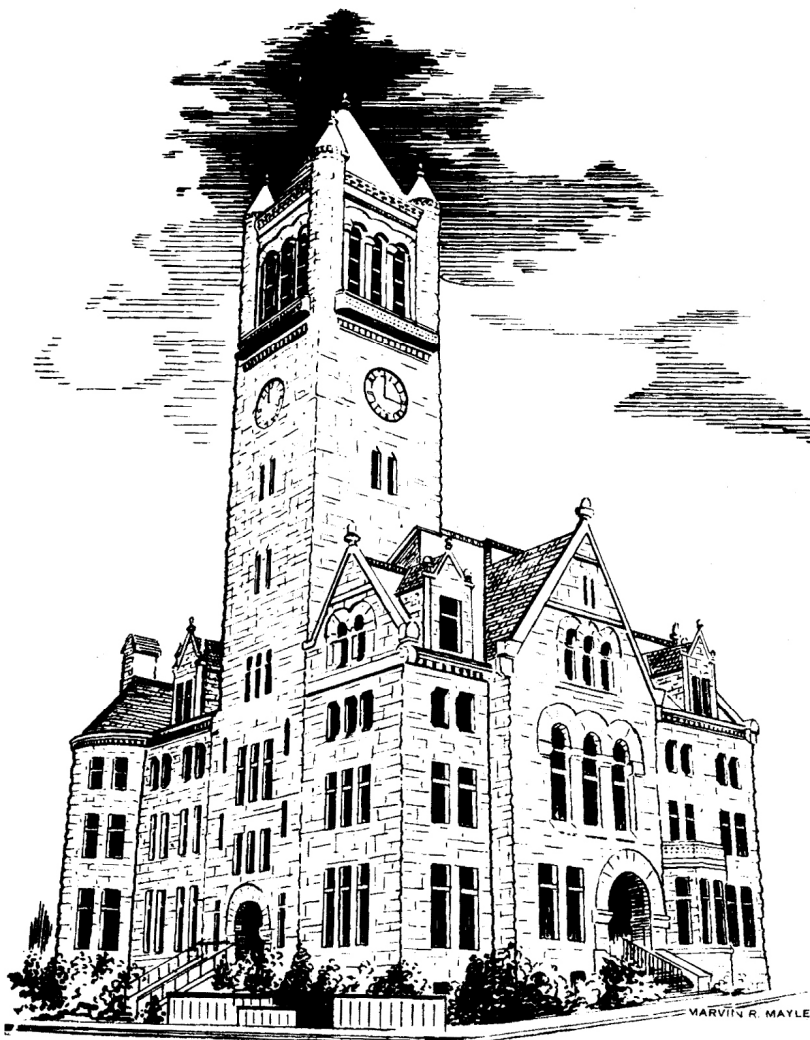


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ESTATE NOTICES

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

CHARLEEN L. DERA, a/k/a CHARLEEN LUCILLE DERA, late of Washington Township, Fayette County, PA ⁽³⁾
Administrator: Richard C. Mudrick
 c/o 300 Fallowfield Avenue
 Charleroi, PA 15022
Attorney: Richard C. Mudrick

HAROLD LEHMAN, a/k/a HAROLD R. LEHMAN, A/K/A HAROLD RAY LEHMAN, late of Georges Township, Fayette County, PA ⁽³⁾
Co-Executrix: Paula Brnich and Lori Smith
 c/o Kopas Law Office
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

JOSEPH WILLIAM NIEDOJADLO, JR., a/k/a JOSEPH W. NIEDOJADLO, JR., a/k/a JOSEPH W. NIEDOJADLO, late of Redstone Township, Fayette County, PA ⁽³⁾
Administratrix: Diane Lynn Niedojadlo
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

EUGENE RICHTER, a/k/a EUGENE L. RICHTER, late of Normalville, Fayette County, PA ⁽³⁾
Executrix: Karen E. Richter
 614 Clinton Road
 Normalville, PA 15469
 c/o Snyder and Snyder
 17 North Diamond Street
 Mount Pleasant, PA 15666
Attorney: Marvin Snyder

KENNETH TAYLOR, a/k/a KENNETH HAYES TAYLOR, late of Redstone Township, Fayette County, PA ⁽³⁾
Personal Representative: Patricia Ann Taylor, a/k/a Patricia A. Nicely
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

Second Publication

GEORGE R. DILLOW, JR., late of Georges Township, Fayette County, PA ⁽²⁾
Administrator: Randall Thomas
 142 Ondrejko Road
 Smithfield, PA 15478
 c/o 2698 Morgantown Road
 P.O. Box 622
 Smithfield, Pa 15478
Attorney: Charity Grimm Krupa

EDWARD P. GRENA, late of Brownsville Township, Fayette County, PA ⁽²⁾
Administrator: Frederick E. Grena
 c/o Adams and Adams
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

MARY ELIZABAETH HOLLER, a/k/a MARY E. HOLLER, late of Jefferson Township, Fayette County, PA ⁽²⁾
Executrix: Tracy Perrucci, a/k/a Tracy L. Perrucci
 c/o Monaghan and Monaghan, LLP
 57 East Main Street
 Uniontown, PA 15401
Attorney: Gary D. Monaghan

ROBERT E. KEEFER, late of Connellsville, Fayette County, PA ⁽²⁾
Administratrix: Sharon R. Keefer
 1827 Third Street
 Connellsville, PA 15425
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

MARY ELLEN KUNKEL, late of South Union Township, Fayette County, PA ⁽²⁾
Executor: Gregory T. Kunkel
 P.O. Box 342

Uniontown, PA 15401
 c/o Newcomer Law Offices
 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

IRENE HELEN LOGORDA, a/k/a IRENE LOGORDA, late of Menallen Township, Fayette County, PA (2)
Personal Representative: Richard Logorda
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

MICHAEL R. MACKO, late of Connellsville, Fayette County, PA (2)
Executrix: Mary Ann Gmutza
 630 Jason Court
 Mount Pleasant, PA 15666
 c/o Zacharia Brown, P.C.
 111 West McMurray Road
 McMurray, PA 15317
Attorney: Carl B. Zacharia

DREW RAINEY, a/k/a DREW ALAND RAINEY, a/k/a DREW A. RAINEY, late of Washington Township, Fayette County, PA (2)
Personal Representative: Donna L. Rainey,
 a/k/a Donna Lee Rainey
 500 Spruce Alley
 Belle Vernon, PA 15012
 c/o 1202 West Main Street
 Monongahela, PA 15063
Attorney: James W. Haines, Jr.

NANCY SPROUL, a/k/a NANCY CATHERINE SPROUL, late of Ohiopyle, Fayette County, PA (2)
Administrator: James L. Sproul
 c/o 2944 National Pike Road
 P.O. Box 245
 Chalk Hill, PA 15421
Attorney: Charles C. Gentile

First Publication

PAULINE BUNGARD, a/k/a PAULINE FLEMING BUNGARD, late of Ohiopyle, Fayette County, PA (1)
Administrator: Troy Bungard
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

STELLA BURROWS, a/k/a STELLA M. BURROWS, late of Everson, Fayette County, PA (1)
Executor: Neil E. Yoder
 c/o Stewart, McArdle, Sorice, et.al., LLC
 229 South Maple Avenue
 Greensburg, PA 15601
Attorney: Brian Cavanaugh

LINDA COBB, a/k/a LINDA M. COBB, a/k/a LINDA MARGARET COBB, late of Connellsville, Fayette County, PA (1)
Executrix: Lorelei M. Kazulen
 37 Grand Street
 Uniontown, PA 15401
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

RICHARD FEARER, a/k/a RICHARD P. FEARER, a/k/a RICHARD PAUL FEARER, late of North Union Township, Fayette County, PA (1)
Executor: Clyde E. Fearer
 10 River Marsh Court
 Okatie, SC 29909
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

ELSIE FLEMING, late of Ohiopyle, Fayette County, PA (1)
Administrator: Troy Bungard
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION
 NO. 20 ADOPT 2020

IN RE: ADOPTION OF
 NIANI REYES

NOTICE

TO: Unknown Father

A petition has been filed asking the Court to put an end to all rights you have to your child, Niani Reyes. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 3 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Monday, October 19 at 10:30 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 CHILD MAY BE ENDED BY THE COURT WITHOUT YOUR BEING THERE.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH ALLOWS FOR AN ENFORCEABLE VOLUNTARY AGREEMENT FOR CONTINUING CONTACT OR COMMUNICATION FOLLOWING AND ADOPTION BETWEEN AN ADOPTIVE PARENT, A CHILD, A BIRTH PARENT, AND/OR A BIRTH RELATIVE OF THE CHILD, IF ALL PARTIES AGREE AND THE WRITTEN VOLUNTARY AGREEMENT IS APPROVED BY THE COURT

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 LAWYER 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 OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER

TRELLIS MELLINGER, a/k/a TRELLIS R. MELLINGER, late of Lower Tyrone Township, Fayette County, PA (1)
Executrix: Pamela R. Philburn
 136 Chaintown Road
 Dawson, PA 15428
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

ANNA NOVAK, late of North Union Township, Fayette County, PA (1)
Executor: David P. Novak
 370 Manor Road
 Wexford, PA 15090
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

MARIO PORRECA, late of Menallen Township, Fayette County, PA (1)
Personal Representative: Linda Alexander
 P.O. Box 953
 Uniontown, PA 15401
 c/o P.O. Box 953
 Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

DOROTHY V. WEITZEL, late of Washington Township, Fayette County, PA (1)
Executrix: Louise Ann Horrell
 407 Ella Street
 Belle Vernon, PA 15012
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

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NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 18, 2020, for a limited liability company known as Flyer Property Management LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate holdings, management and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on January 22, 2019, 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 McDonough Service, LLC, having an address of 62 ½ W. Elm Street, Fairchance, Pennsylvania 15436. The purpose of the Limited Liability Company is truck and equipment repair and service and activities related thereto and any other lawful purpose for which a corporation may be organized.

John A. Kopas III, Esquire
556 Morgantown Road
Uniontown, PA 15401
Telephone: 724-437-1111

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on September 24, 2020 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 VINSICK, LLC, having an address of 100 S. Market Street, Carmichaels, PA 15320.

Thomas W. Shaffer, Esquire
11 Pittsburg Street
Uniontown, PA 15401
724-425-1162

Fictitious Name Registration

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 August 25, 2020 for NOBLE DRAFT & REFRIGERATION at 122 Independence Perryopolis, PA 15473. The name and address of each individual interested in the business is Todd I. Power at 122 Independence Perryopolis, PA 15473. This was filed in accordance with 54 Pa.C.S. 311.

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 NO. 1275 OF 2020 G.D.
 JUDGE NANCY D. VERNON

TY REPPERT,
 Plaintiff,
 vs.

LEOPOLD M. REGAL AND DELLA M. REGAL, Individually, and LEOPOLD M. REGAL AND DELLA E. REGAL, Co-Trustees of the LEOPOLD M. REGAL AND DELLA E. REGAL REVOCABLE TRUST, DATED JANUARY 18, 2006, their heirs, beneficiaries, Successors and/or Assigns Generally, Defendants.

To: LEOPOLD M. REGAL AND DELLA M. REGAL, Individually, and LEOPOLD M. REGAL AND DELLA E. REGAL, Co-Trustees of the LEOPOLD M. REGAL AND DELLA E. REGAL REVOCABLE TRUST, DATED JANUARY 18, 2006, their heirs, beneficiaries, Successors and/or Assigns Generally,

Take notice that on July 22, 2020, the Plaintiff, above mentioned, by and through his attorneys, Davis & Davis, filed their Complaint averring that they are the owners of the following described parcel of real estate. Said Complaint being filed in Quiet Title.

TRACT FIRST: ALL those certain lots of land situate in Washington Township, Fayette County, Pennsylvania, and being designated and known in the Marion Plan of Lots as recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 4, page 92, as Lot Nos. 91 and 92, bounded and described as follows:

EACH lot fronting forty (40) feet on Marion Avenue and running back of even width one hundred ten (110) feet to a twelve (12) foot alley.

TRACT SECOND: ALL that certain lots of land situate in Washington Township, Fayette County, Pennsylvania, and being designated and known in the Marion Plan of Lots as recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 4, page 92, as Lot Nos. 93 and 94, bounded and described as follows:

EACH lot fronting forty (40) feet on the northern side of Marion Avenue and extends

back, uniformly, in a northerly direction of one hundred ten (110) feet to a twelve (12) foot alley. Lot 93 is bounded on the east by Lot No. 92 and on the west by Lot No. 94. Lot 94 is bounded on the east by Lot No. 93 and on the west by Lot No. 95.

TOGETHER with such rights and **SUBJECT** to any exceptions, restrictions, reservations and conditions as exist by virtue of prior recorded instruments, deeds or conveyances.

Tax Parcel No.: 41-07-0058

The within named Defendants appear to have an interest in said premises which creates a cloud upon Plaintiff's title, whereupon the Plaintiff has filed their Complaint as aforesaid asking the Court to enter a Decree terminating all rights that the Defendants may have in said premises and decree that the Plaintiff has the full and free use and occupancy of said premises, released and forever discharged on any right, lien title or interest of said Defendants herein.

The service of this Complaint by publication is made pursuant to an Order of Court dated Sept. 1, 2020, and filed at the above number and term.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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 LA WYER AT ONCE. IF YOU DO NOT HA VE A LA WYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

THE FAYETTE COUNTY BAR
 ASSOCIATION OF LAWYER REFERRAL
 84 East Main Street
 Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
Judge Leskinen
No: 1571 of 2020, G.D.

IN RE: Change of Name of:
SCOTT R. STYERS,

NOTICE

Notice is hereby given to all interested parties, that a petition styled as above has been filed in the Court of Common Pleas. Fayette County, Pennsylvania, seeking Change of Name of Scott R. Styers.

Hearing to consider such Petition shall be held in Court Room Number 1 or 3, of the Fayette County Courthouse, 61 East Main Street, Uniontown, Fayette County, Pennsylvania, on October 15, 2020, at 2:30 o'clock P.M., before the Honorable Judge Steve Leskinen.

Patrick C. McDaniel
Attorney for Petitioner
PA. I.D. #42125
50 East Main Street
Uniontown, PA 15401
(724) 437-4211
FAX: (724) 437-4245

JUDICIAL OPINION

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

SHELBY OHLER,	:	
Plaintiff,	:	
v.	:	
FAYETTE COUNTY AREA VOCATIONAL-	:	
TECHNICAL SCHOOL t/d/b/a FAYETTE	:	
COUNTY CAREER & TECHNICAL	:	
INSTITUTE,	:	No. 135 of 2019, G.D.
Defendant.	:	Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

SUMMARY

Currently before the Court is Defendant's Motion for Judgment on the Pleadings. For the following reasons, Defendant's Motion is denied. {1}

BACKGROUND

Plaintiff, Shelby Ohler, filed the current action against Defendant, Fayette County Area Vocational-Technical School. According to the Complaint, on September 24, 2014 Ms. Ohler was a 15-year-old high school student at the Vocational-Technical School. On that day, Ms. Ohler was exiting a school bathroom when the bathroom door closed on her finger. This caused her finger to be amputated at the distal tip.

Emergency medical personnel took Ms. Ohler to an emergency room where she was treated. The fingertip was not reattached due to concerns of infection risk. Ohler alleges that she has suffered pain and suffering, lost wages, and a permanent disfiguration as a result of the incident.

On August 12, 2019, Defendant filed a Motion for Judgment on the Pleadings. Defendant raises three issues. First, Defendant argues that it is entitled to immunity under the Political Subdivision Tort Claims Act. Second, Defendant argues that this was an accident that occurred when Plaintiff closed the bathroom door on herself. Third, Defendant argues that Plaintiff's notification letter to Defendant was outside of the six-month statute of limitations as per 42 Pa.C.S.A. § 5522.

{1} This case was originally assigned to the Honorable Nancy Vernon, who held Oral Argument on Defendant's Motion for Judgment on the Pleadings. The case was reassigned to this Court after the Honorable Nancy Vernon recused herself on March 2, 2020. This Court has reviewed the Pleadings, the Motion, both parties' briefs, and has listened to the Oral Argument in this matter.

DISCUSSION

After the pleadings are closed, any party can move for judgment on the pleadings. Pa.R.C.P. 1034(a). In determining a motion for judgment on the pleadings, a court may only consider the pleadings themselves as well as any documents or exhibits properly attached. *Rubin v. CBS Broadcasting Inc.*, 170 A.3d 560, 564 (Pa. Super. Ct. 2017) (citing *Kelly v. Nationwide Ins. Co.*, 606 A.2d 470, 471-72 (Pa. Super. Ct. 1992)). Under Pa.R.C.P. 1017, the pleadings include: (1) a complaint and an answer thereto, (2) a reply if the answer contains new matter, a counterclaim, or a cross-claim, (3) a counterreply if the reply to a counterclaim or cross-claim contains new matter, and (4) any preliminary objections and responses thereto.

In a motion for judgment on the pleadings, a court "must accept as true all well pleaded statements of fact, admissions, and any documents properly attached to the pleadings presented by the party against whom the motion is filed, considering only those facts [that] were specifically admitted." *Steiner v. Bell of Pa.*, 626 A.2d 584, 586 (Pa. Super. Ct. 1993) (citing *Koser v. Harleysville Mut. Ins. Co.*, 595 A.2d 128, 129 (Pa. Super. Ct. 1991)). Granting judgment on the pleadings is only proper where there are no material facts in dispute, such that a trial by jury would be unnecessary. *Erie Ins. Exchange v. Conley*, 29 A.3d 389, 391 (Pa. Super. Ct. 2011).

Defendant's first argument is that it is entitled to immunity under the Political Subdivision Tort Claim Act, 42 Pa.C.S. §§ 8541-8564. Generally, local agencies are not liable for damages on account of injuries to people or property caused by an act of the local agency, by an employee of the local agency, or by any other person. 42 Pa.C.S.A. § 8541. {2} However, immunity may be denied to a local agency such as a school district "when there is negligence [that] makes government-owned property unsafe for the activities for which it is regularly used, for which it is intended to be used, or for which it may be reasonably foreseen to be used." *Gore v. Bethlehem Area Sch. Dist.*, 537 A.2d 913, 914 (Pa. Commw. Ct. 1988) (citing *Vann v. Board of Educ., Sch. Dist. of Phi/a.*, 464 A.2d 684, 686 (Pa. Cornmw. Ct. 1983)).

Section 8542 delineates acts that may impose liability-exceptions to the general immunity rule for local agencies:

The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

...

(3) Real property.--The care, custody[,] or control of real property in the possession of the local agency...

42 Pa.C.S.A. § 8542(6)(3).

{2} "School districts are considered 'local agencies' for purposes of the Tort Claims Act." *Taylor v. Northeast Bradford Sch. Dist.*, 101 A.3d 144, 147 (citing *Repko v. Chichester Sch. Dist.*, 904 A.2d 1036, 1040 (Pa. Commw. Ct. 2006)).

Real property consists of "[l]and and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land." Black's Law Dictionary 1412 (10th ed. 2014). In contrast, moveable, physical objects are considered personal property—also known as personalty or chattel. Under the Tort Claims Act, personal property does not implicate the immunity exception. In other words, if someone is injured from personal property, within a school, the school district would still be immune. However, in certain circumstances, personal property may become part of the real property of the school, which would then trigger the immunity exception:

The considerations to be made in determining whether or not a chattel becomes a fixture include (1) the manner in which it is physically attached or installed, (2) the extent to which it is essential to the permanent use of the building or other improvement, and (3) the intention of the parties who attached or installed it.

Taylor v. Northeast Bradford School Dist., 101 A.3d 144, 149 (Pa. Commw. Ct. 2014) (internal citation omitted); cf *Blocker v. City of Philadelphia*, 763 A.2d 373, 375 (Pa. 2000) ("[O]nly where personalty has been attached to realty does the question of the parties' intent become relevant.")

In *Taylor*, the plaintiff filed a negligence claim against a defendant school district for an incident involving a partition in a gymnasium. *Id.* at 145-47. The partition was closed, separating the gymnasium into two halves, but the partition had a door inside of it. *Id.* The door did not go all the way to the floor, which required one to step over the partition to pass through the opening. *Id.* The plaintiff attempted to pass through the door but fell, which caused injuries. *Id.*

The trial court granted summary judgment to the defendant school district, concluding that the partition was personalty rather than a fixture. *Id.* The Commonwealth Court reversed, holding that, although the question is one of law, the trial court lacked a factual foundation to conclude that the partition was personalty:

The record is devoid of evidence on how the partition was installed and whether it could be removed without damage to the real estate or to the partition. Likewise, the record is devoid of evidence on the District's intent at the time of its installation.

Taylor at 150.

Here, Defendant admits that the bathroom door is attached by screws, making it necessary to determine whether by law the door should be considered personalty or a fixture. However, like the trial court in *Taylor*, this Court lacks the factual foundation to determine whether the bathroom door at issue in this case is personalty or a fixture. As a result, this Court finds that Defendant's first argument in its Motion for Judgment on the Pleadings is without merit.

Defendant's second argument is that "this was an accident that happened as a result of Plaintiff closing the door on her own finger while exiting the bathroom causing her own accident and/or being the superseding cause." Defendant's Motion for Judgment on the Pleadings at ¶8. Whether Defendant's interpretation of events is true is clearly a question of fact, making judgment on the pleadings inappropriate. Defendant's second

argument is therefore without merit.

Defendant's third argument is that Plaintiffs notification letter to Defendant was outside of the six-month statute of limitations as per 42 Pa.C.S.A. § 5522. That statute requires that an injured person who is about to commence an action against the Commonwealth or government unit to give notice within six months from the date the injury was sustained. 42 Pa.C.S.A. § 5522(a)(1).

Here, the injury allegedly occurred on September 24, 2014. According to Defendant, Plaintiff notified Defendant about the injury by letter dated June 12, 2015. Defendant's Motion for Judgment on the Pleadings at ¶ 9. However, Defendant fails to take into account the entire statute, which also states:

(3) In the case of a civil action or proceeding against a government unit other than the Commonwealth government:

...

(iii) Failure to comply with this subsection shall not be a bar if the government unit had actual or constructive notice of the incident or condition giving rise to the claim of a person.

42 Pa.C.S.A. § 5522(a)(3). Plaintiff alleges that teachers, school personnel, and the school nurse administered aid to the Plaintiff after her injury. As such, the Fayette County Area Vocational-Technical School had constructive notice of the incident, and the six-month limitation does not apply. Defendant's third argument is without merit.

CONCLUSION

As a result of the foregoing analysis, Defendant's Motion for Judgment on the Pleadings is DENIED.

ORDER

AND NOW, this 27th day of April, 2020, in consideration of Defendant's Motion for Judgment on the Pleadings, it is hereby ORDERED and DIRECTED that the Motion is DENIED.

BY THE COURT
Linda R. Cordaro, Judge

ATTEST:
Prothonotary

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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