

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Correctional Care, Inc. v. Lackawanna County, PA - 2025 WL 2902248 (Lacka. Co. 2025)

DATE OF DECISION: October 10, 2025

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: John J. Siejk, Esquire, *Counsel for Plaintiff*
Christopher P. Caputo, Esquire, *Counsel for Defendant*

SUMMARY OF OPINION:

A provider of health care services to correctional facilities filed this lawsuit against the county seeking \$4,789,359.98 in damages for compensation and cost reimbursements allegedly owed under the parties' agreements pursuant to which the provider furnished health services to inmates at the county prison from 2009 to 2021. Its damages claims were premised upon its argument that the salaries paid to its chief medical officer and staff were to be treated as reimbursable "costs and expenses," rather than "compensation," under the agreements. In connection with the parties' motions for summary judgment, and in support of the provider's proffered interpretation of the subject agreements, the provider produced a testimonial affidavit from one of the county judges, who served as a prison board member during the relevant time period, and which attested that the salaries of the provider's chief medical officer and employees were to be treated as "costs and expenses to be reimbursed" and were "never intended . . . to be considered compensation" under the agreements. Following its production of that affidavit, the provider filed a petition requesting a "full bench recusal" based upon the judge's status as a trial witness, and further seeking a change of venue pursuant to Pa.R.Civ.P. 1006(d)(2) on the basis "that a fair and impartial trial cannot be held" in this county due to the amount of damages being claimed and the "precarious financial condition" of the county.

When considering a recusal request, the judge must first make a conscientious determination of the judge's ability to assess the case in an impartial manner, and if the judge is satisfied with that subjective self-examination of objectivity, the judge must then consider whether the judge's continued involvement in the case could reasonably create an appearance of impropriety. In other cases, the judges of this court have recused themselves from matters in which a colleague was likely to testify. The presiding judge in this action will have to determine whether the judge's proffered testimony is admissible, and if that testimony is permitted, the acceptable scope of the cross-examination of that judge. Although the court believed that it would decide those evidentiary issues impartially and objectively based upon the applicable law, its consideration of those matters could create an appearance of impropriety in reasonable minds. Accordingly, it granted the request to recuse from this case and directed the court administrator to reassign the pending summary judgment motions and venue transfer request to another judge.

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ESTATE

First Notice

ESTATE OF **ROBIN BALDWIN CONKLIN**, late of Glenburn Township, Lackawanna County, PA, died August 9, 2025, Administrator CTA, Ronald Lee Conklin, or David A. Howell, Attorney for the Estate, 336 South State Street, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN THAT Letters Testamentary have been granted in the **ESTATE OF JAMES FIUME a/k/a JAMES J. FIUME a/k/a JAMES J. FIUME, SR.**, late of Scranton, Lackawanna County, Pennsylvania, who died on August 21, 2025. All persons indebted to said estate are required to make payment and those having claims or demands to present the same without delay to James John Fiume, or his attorney, Michelle L. Guarneri, Esquire, 49 S. Main Street, Ste 400, Pittsburg, PA 18640.

NOTICE IS HEREBY GIVEN that Letters of Testamentary have been granted to Anne Marie Howells, Executrix of the Estate of **KENNETH MARTIN HOWELLS**, late of the City of Scranton, Lackawanna County, Pennsylvania, date of death September 3, 2025. Creditors are to present claims and debtors are to make payments to Anne Marie Howells, Esquire (Attorney for the Estate), 307 West Market Street, Suite #1, Scranton, PA 18508-2783, (570) 344-1088.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the Estate of **MARGARET ANN KANE, a/k/a MARGARET KANE**, Deceased, 256 Bridgen Street Rear, Jessup, Lackawanna County, Pennsylvania 18434, who died on September 21, 2025. 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, Stanley Edward Kane, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF **ROBERT FRANCIS MAHER, aka ROBERT F. MAHER**, Deceased, late of Ransom Twp., Lackawanna County, Pennsylvania, (died September 14, 2025). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Chelsea Maher, 1606 S. 9th. St., Philadelphia, PA, 19148, Executrix, or to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

ESTATE OF **JOYCE SOLOMON, aka ALICE SOLOMON**, late of the Borough of Archbald, Lackawanna County, PA (Died September 4, 2025). NOTICE is hereby given that Letters Testamentary in the above Estate have been granted to Joseph Solomon, 340 Wayne Street, Archbald, PA 18403, Executor, on October 24, 2025. All persons indebted to the above Estate are required to make payment, and all those having claims or demands are to present same without delay, to the Executor named herein or to James J. O'Connor, Esquire, Attorney for the Estate, 496 North Main Street, Archbald, PA 18403.

ESTATE OF **IRENE F. VERTUCCI, DECEASED**, late of South Abington Twp., Lackawanna County, Pennsylvania, (died October 2, 2025). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Matthew J. Vertucci, Executor, 3029 Woods Edge Dr., Bloomsburg, PA, 17815, or to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

Second Notice

Notice is hereby given that Letters Testamentary have been granted to Jacqueline A. Musyt, in the **ESTATE OF ELEANOR DRAIM**, late of Olyphant, Pennsylvania, who died on November 30, 2023. All persons indebted to the Estate are requested to make payment and those having claims or demand are to present the same without delay to Sean P. McDonough, Esquire, 459 Wyoming Avenue, Kingston, Pennsylvania 18704.

Estate of **ARTHUR J. JORDAN**, late of Scranton, Pennsylvania (died September 4, 2025). Notice is hereby given that Letters Testamentary for the Estate of Arthur J. Jordan have been issued to Arthur J. Jordan, Jr., Mary Catherine Veety and Marie S. Jordan, 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 143 Point Road, Factoryville, PA 18419 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Biden Street, Suite 200, Scranton, PA 18503.

In the Estate of **NORBERT R. KOSCIUK** of Throop, Lackawanna County, Commonwealth of Pennsylvania. Letters Testamentary in the above estate have been granted to Cheryl A. Kosciuk. All persons indebted to said estate are requested to make prompt payment and all having claims against said estate will present them without delay to: Marissa McAndrew, Esquire, McAndrew Law Offices, PC, 630 Main Street, Forest City, PA 18421, (570) 785 – 3333, Attorney for the Estate.

Notice is hereby given that Letters Testamentary have been granted in the Estate of **SALLY ANN KUTCH, a/k/a SALLY A. KUTCH**, Deceased, 134 Wagner Boulevard, Greenfield Township, Lackawanna County, Pennsylvania 18407, who died on September 11, 2025. 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 Executrix, Kim Liparulo, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

Estate of **PAUL R. LAHOTSKI a/k/a PAUL LAHOTSKI** (died September 10, 2025) formerly of Throop, Pennsylvania. All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Administratrix, Lorraine Lahotski, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447.

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ESTATE OF RONALD R. LEAS, late of Scranton, Pennsylvania (died June 16, 2025), Jeffrey R. Leas, Administrator, Gregory J. Pascale, Esq., Attorney for the Estate, Needle Law, P.C., 240 Penn Avenue, Scranton, PA 18503.

ESTATE OF ANNOINETTE S. MECCA, DECEASED, late of Scranton, Pennsylvania (Died August 31, 2025). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to David C. Mecca, Testator, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

ESTATE OF GARY WAYNE OWENS, late of Scranton, PA (died July 4, 2025), Letters of Administration having been granted to Joshua Ryan Owens. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to JOSHUA RYAN OWENS, Administrator or to: Tullio DeLuca, Attorney for the Estate, 4113 Birney Avenue, Suite 2, Moosic, PA 18507.

ESTATE OF JOYCE SOLOMON, aka ALICE SOLOMON, late of the Borough of Archbald, Lackawanna County, PA (Died September 4, 2025). NOTICE is hereby given that Letters Testamentary in the above Estate have been granted to Joseph Solomon, 340 Wayne Street, Archbald, PA 18403, Executor, on October 24, 2025. All persons indebted to the above Estate are required to make payment, and all those having claims or demands are to present same without delay, to the Executor named herein or to James J. O'Connor, Esquire, Attorney for the Estate, 496 North Main Street, Archbald, PA 18403.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF SARA THOMAS, a/k/a SARA E. THOMAS**, Deceased, 2327 N. Washington Avenue, Scranton, Lackawanna County, Pennsylvania 18509, who died on September 19, 2025. 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 the Executor, Daniel Thomas or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF THEODORE CROMWELL VAN NORT, JR. late of South Abington Township, Lackawanna County, PA (died September 22, 2025). 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 Timothy Van Nort, Co-Administrator of the Estate, 5 Kraft Street, Archbald, PA 18403 or to Mark Van Nort, Co-Administrator of the Estate, 45 White Birch Lane, Dalton, PA 18414, or to Jane M. Carlonas, Esquire, 1212 S. Abington Road, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters of Administration in the Estate **OF MARIE A. ZULLO**, (Date of Death: August 15, 2024) late of the City of Scranton, Lackawanna County, Pennsylvania, 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: Ursula Tracy and Marie Elena Zullo, c/o Shandra S. Kisailus, Esquire, 245 North River Street, Wilkes-Barre, PA 18702, Phone: 570-824-9949.

Third Notice

Estate of **PETER D. ARVONIO, JR.**, Deceased, late of 820 Laurel RD., Mayfield, PA 18433, (Died September 11, 2025) Cathleen L. Arvonio, Executrix; Dante A. Cancelli, Esquire, Suite 260, 125 North Washington Ave., Scranton, Pennsylvania 18503, Attorney.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF CLEMENTINE CICHY, a/k/a CLEMINTINE A. CICHY**, late of Old Forge, Lackawanna County, who died September 14, 2025. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay to the Executor, Theodore Cerullo, and her Attorney. David Cherundolo, Esquire, 410 Jefferson Avenue, Scranton, PA 18510.

BILLY JO FARA, a/k/a LUCILLE L. MARSH, late of Old Forge, Lackawanna County, Pennsylvania, who died August 4, 2025, Letters of 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 Scott R. Daly, Executor, c/o Attorney Scott Lynett, The Law Office of Scott Lynett, 237 Penn Avenue, Scranton, Pennsylvania 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to Marion Megan Hillebrand, Executrix of the **ESTATE OF MICHAEL J. HILLBRAND**, Deceased, who died on September 4, 2025, late of Scott Township, Lackawanna County, Pennsylvania. All creditors are requested to present their claims and all persons indebted to the decedent will make payment to the aforementioned Executrix or her attorney. Rosen, Jenkin & Greenwald, LLP, 15 South Franklin Street, Wilkes-Barre, PA 18711.

ESTATE OF WAYNE JAMES LANCE SR. A/K/A WAYNE J. LANCE A/K/A WAYNE LANCE (died August 28, 2025) formerly of Scranton, Pennsylvania. All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Executor, Mark D. Lance, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447.

Notice is hereby given that Letters Testamentary have been granted to Marcianna Hosier, Executrix, of the **ESTATE OF LOIS ANN LINKO**, late of Jefferson Township, PA, who died on September 15, 2025. 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 Raymond C. Rinaldi, II, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA 18501.

ESTATE OF JANE A. OVENS A/K/A JANE OVENS, late of Jefferson Township, Pennsylvania (died June 13, 2025). Notice is hereby given that Letters of Administration on the above Estate have been granted to Walter W. Frisbie, of Elmhurst, PA. All persons indebted to the said estate is required to make payment and those having claims to present the same without delay to the personal Representative named herein, or to Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

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NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to James E. Palumbo, Executor of the **ESTATE OF KAREN PALUMBO**, Deceased, who died on April 18, 2019, late of Moosic, Lackawanna County, Pennsylvania. All creditors are requested to present their claims and all persons indebted to the decedent will make payment to the aforementioned Executor or his attorney, Rosen, Jenkin & Greenwald, LLP, 15 South Franklin Street, Wilkes-Barre, PA 18711.

ESTATE OF MICHAEL GERARD PAVESE, of County of Lackawanna, Pennsylvania, LETTERS TESTAMENTARY on the above Estate 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: Michelle Anthony, Executrix c/o James H. Lutz, Esquire, 1765 Narrows Hill Road, Upper Black Eddy, PA 18972.

ESTATE OF LILLIAN D. TROIANI, Deceased, late of Jessup, Pennsylvania (Died February 19, 2025). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Marlane Baldoni, Testatrix, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

Notice is hereby given that Letters of Testamentary, have been granted in the **ESTATE OF JOSEPH J. WAGNER**, late of Scranton, PA (died July 11, 2025). All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to: Holly Wagner, Executrix; or Terrence J. McDonald, Atty., 1103 East Drinker Street, Dunmore, PA 18512.

NOTICE IS HEREBY GIVEN that on October 3, 2025, Fran Kovaleski, Lackawanna County Register of Wills, granted Letters of Administration, in common form, for the **ESTATE OF WILLIAM J. WHITELAVICH**, late, of Simpson, PA, to Frances M. Whitelavich. Mr. Whitelavich passed on July 27, 2025. Anyone having a claim against the Estate, please contact Lance J. Fanucci, Esquire, 300 Betty Street, Suite 2, Eynon, PA 18403, phone 570.489.0098.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF KIMBERLEY A ZABROWSKI**, late of Dickson City, Lackawanna County, who died August 29, 2025. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay to the Administrator, Julie Zabrowski, and her attorney, David Cherundolo, Esquire, 410 Jefferson Avenue, Scranton, PA 18510.

Certificate of Organization

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Pennsylvania Department of State at Harrisburg, PA on October 24, 2025, for the purpose of creating a limited liability company pursuant to Pennsylvania Uniform Limited Liability Act of 2016, P.L. 1328, No. 170. The name of the limited liability company is: **Nouvelle Home Healthcare, LLC**.

Articles of Incorporation

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a proposed domestic non-profit corporation to be organized under the provisions of the Pennsylvania Non-Profit Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, as amended, 15 Pa.C.S.A 5308, et seq. The name of the corporation is: **SOCIETY OF THE INFANT JESUS**.

Change of Name

In the Court of Common Pleas, Lackawanna County, Pennsylvania, Civil Division:
In Re: In the Matter of the Petition of **Hannah Constance Sumerano** for Change of Name to **Ezra Constance Rose**. Notice is hereby given that on October 20, 2025, the Petition for Change of Name was filed in the above Court, requesting and Order to change Petitioner's name to Ezra Constance Rose. The Court has fixed the 30th day of January, 2026 at 1:30 p.m. in Courtroom A at the Lackawanna County Government Center located at 123 Wyoming Avenue in Scranton, PA 18503 s the time and place for the hearing of said petition for name change, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

In the Court of Common Pleas, Lackawanna County, Pennsylvania, Civil Division:
In Re: In the Matter of the Petition of **Christen Florence Rose Sumerano** for Change of Name to **Christen Florence Rose**. Notice is hereby given that on October 20, 2025, the Petition for Change of Name was filed in the above Court, requesting and Order to change Petitioner's name to Christen Florence Rose. The Court has fixed the 30th day of January, 2026 at 1:30 p.m. in Courtroom A at the Lackawanna County Government Center located at 123 Wyoming Avenue in Scranton, PA 18503 s the time and place for the hearing of said petition for name change, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

