

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Estate of Keyes v. Abington Manor, 2021 WL 1164833 (Lacka. Co. 2021)

DATE OF DECISION: March 26, 2021

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Malcolm L. MacGregor, Esquire, Counsel for Plaintiff
Andrew Worek, Esquire, Counsel for Defendant, Letty Ruppenthal, Executrix of the Estate of John B. Ruppenthal, M.D., Deceased
Robert E. Dillon, Esquire, Counsel for Defendants, Abington Manor, 100 Edella Road Operations, LLC, 100 Edella Road Operation, LLC d/b/a Abington Manor, Genesis Healthcare, Inc., Genesis Healthcare, LLC, Genesis Eldercare Rehabilitation, Genesis Eldercare Hospitality Services, Inc., Genesis Eldercare Network Services, Inc., and Gabrielle Poster, CRNP

SUMMARY OF OPINION:

The estate of a nursing home resident filed this professional liability action against the skilled nursing facility and its attending physician that allegedly failed to timely respond to the decedent's respiratory distress and to promptly transfer her to the hospital before she suffered cardio-pulmonary arrest and died. Shortly before trial, the estate filed a motion seeking to amend the complaint to include a claim for punitive damages. Although the estate's expert witnesses opined that defendants breached the accepted standards of care, no expert accused them of wanton or reckless conduct. While it is not necessary that every punitive damages claim in a professional liability action be supported by an expert opinion charging the health care provider with reckless or outrageous conduct as manifested by a subjective appreciation of the risk of harm and an accompanying conscious disregard of that risk, the record must contain sufficient evidence demonstrating a triable issue of fact in that regard in order to submit a punitive damages claim to the jury. Since the evidence in the record did not support a possible finding that defendants had a subjective appreciation of the risk of harm to which the decedent was exposed, and nevertheless acted or failed to act in conscious disregard of that risk, the motion to amend the complaint to include a claim for punitive damages was denied.

JUDICIAL OPINION

CASE NAME AND NUMBER Com. v. Naseem Smith, 2021 WL 13011110 (Lacka. Co. 2021)

DATE OF DECISION: April 6, 2021

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Jerry Grill, Esquire, Counsel for the Commonwealth
Kurt T. Lynott, Esquire, PCRA Counsel

SUMMARY OF OPINION:

Defendant filed a *pro se* petition seeking a new trial under the PCRA on the grounds that his trial counsel allegedly provided ineffective assistance by failing to request three jury instructions. Following the appointment of PCRA counsel and his subsequent review of the case materials, PCRA counsel filed a petition to withdraw as counsel "pursuant to Turner/Finley letter," which included a "no-merit" letter that was also enclosed in correspondence forwarded to defendant advising him of his right to proceed *pro se* or to retain new counsel.

The petition to withdraw and accompanying exhibits satisfied the technical requirements of Turner/Finley. Furthermore, an independent review of the PCRA petition and the court record reflected that the ineffectiveness claims being asserted by defendant were meritless inasmuch as two of the identified jury instructions were actually provided to the jury, and the third instruction was clearly inapplicable and unwarranted based upon the evidence presented at trial. Accordingly, the petition to withdraw was granted, and pursuant to Pa.R.Crim.P. 907(1), defendant was notified of the intention to dismiss his PCRA petition and afforded 20 days within which to file a response or an objection to the proposed dismissal.

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JUDICIAL OPINION

CASE NAME AND NUMBER: Utica Mutual Insurance Co. v. James A. Doherty Co., Inc., 2021 WL 1325716 (Lacka. Co. 2021)

DATE OF DECISION: April 8, 2021

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Benjamin J. Lewis, Esquire, Counsel for Plaintiffs
James A. Doherty, Jr., Esquire, Counsel for Defendant

SUMMARY OF OPINION:

Defendant filed preliminary objections to the complaint which asserted causes of action for breach of contract and unjust enrichment based upon defendant's failure to pay its insurance premiums for commercial package liability insurance, commercial auto insurance, and workers compensation insurance. Defendant contended that five paragraphs of the complaint lacked the requisite factual specificity, and that plaintiff's demand "for costs and interest" were insufficient as a matter of law. The complaint contained specific averments that defendant requested the insurance coverage, that plaintiff provided the requested coverages and complied with the policies' terms, that defendant received, accepted, and enjoyed the insurance coverages, and that defendant failed to pay all earned premiums for those coverages. When viewed in their entirety, the allegations were sufficient to provide defendant with notice of the claims being asserted so as to enable it to prepare a response and defense. Furthermore, plaintiff merely demanded statutory interest and taxable costs, rather than counsel fees, as a result of which defendant's reliance upon the "American Rule" was misplaced. Thus, defendant's preliminary objections were overruled.

JUDICIAL OPINION

CASE NAME AND NUMBER: Fisher v. Correctional Care, Inc., 2021 WL 1332730 (Lacka. Co. 2021)

DATE OF DECISION: April 9, 2021

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Ryan C. Barrett, Esquire, Counsel for Plaintiff
Frederick J. Lokuta, Esquire, Counsel for Defendant

SUMMARY OF OPINION:

A licensed practical nurse at the county prison filed this action against the prison's medical care contractor, and asserted that she was forced to quit her job due to the employer's "systematic retaliation" and "hostile work environment" in violation of the anti-retaliation provision of the Fair Labor Standards Act (FLSA). Under the burden-shifting framework governing FLSA retaliation claims, the employee must first state a *prima facie* case of retaliation by showing that she was subjected to an adverse employment action after she engaged in protected activity and that there was a causal connection between the activity and the adverse action, and once she has done so, the burden of production shifts to the employer to produce "clear and reasonably specific" evidence that its actions were taken for legitimate, non-retaliatory reasons. If the employer meets that burden by articulating a legitimate, non-retaliatory justification for the adverse action, the burden shifts back to the employee to show that the proffered reason was merely a pretext for a retaliatory reason.

An employee may defeat a motion for summary judgment by identifying some direct or circumstantial evidence from which a factfinder could reasonably either (1) disbelieve the employer's articulated legitimate reason, or (2) believe that a retaliatory reason was more likely than not a determinative cause of the employer's action. The nurse produced evidence indicating that after she filed a complaint with the Department of Labor which resulted in the employer being compelled to pay overtime compensation to her and other employees, the employer engaged in a persistent course of retaliatory conduct. With respect to the non-retaliatory reasons proffered by the employer, the nurse demonstrated factual issues as to whether those justifications were pretextual, and that retaliation was the more likely determinative cause of the adverse employment action. Consequently, the employer's motion for summary judgment was denied.

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ESTATES

First Notice

RE: **ESTATE OF ELLA M. BECK A/K/A ELLA BECK**, late of Scranton, PA, who died February 26, 2015. 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: Wayne G. Beck, Executor, 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 in the **ESTATE OF BRUNO J. CHELLINO**, late of Carbondale, Lackawanna County, Pennsylvania (died March 9, 2021). 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 Administrator, Andrew Cerra, Jr., or John J. Lawler, Jr., Attorney for the Estate, 25 North Main Street, Suite Two, Carbondale, Pennsylvania 18407.

ESTATE OF THEODORA CHWASCIEWSKI, Deceased, late of Peckville, Pennsylvania (Died January 26, 2021). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Tiffany Ciocca, Administratrix, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

ESTATE OF EUGENE P. CURTIS, DECEASED, late of 1501 N. MAIN AVE., SCRANTON, PA 18508, (Died March 30, 2021) BRYANNA CURTIS, Executrix; Dante A. Cancelli, Esquire, Suite 260, 125 N. Washington Ave., Scranton, Pennsylvania 18503, Attorney.

RE: **ESTATE OF STANLEY E. GREBAS**, late of Scranton, Lackawanna County, Pennsylvania (died December 12, 2020). Notice is hereby given that Letters Administration for the Estate have been issued to Rose A. Dougherty and Stanley A. Grebas, Administrators 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 Administrators, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street - Suite 201, Scranton, PA 18503.

ESTATE OF ELIZABETH NOVACK A/K/A ELIZABETH NOVAK, Deceased, late of Scranton, Pennsylvania (Died January 22, 2021). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Kory Novack, Executor, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

IN RE: **ESTATE OF MARY ORZOLEK**, late of Clarks Summit, Lackawanna County, Pennsylvania (died February 7, 2021). Letters Testamentary 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 the Estate Personal Representative, Barbara Witko, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 723 North Main Street, Archbald, PA 18403.

ESTATE OF ANN MARIE SABATELLA, A/K/A ANN SABATELLA, Deceased, late of Dunmore, Pennsylvania (Died March 20, 2020). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Michael J. Sabatella, Executor, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF STEPHEN J. TELLEP A/K/A STEPHEN TELLEP**, Deceased, late of 10 Hart Place, Carbondale, Lackawanna County, Pennsylvania 18407, who died on February 5, 2021. 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, James V. Tellep, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF JONATHAN WARREN TISCHLER, Deceased, late of 650 Scranton Pocono Highway 2, Covington Township, Lackawanna County, Pennsylvania, who died on March 9, 2021. LETTERS TESTAMENTARY on the above Estate having been granted to Debra Gilbert, all persons indebted to the said decedent are requested to make payment, and those having claims or demands against said Estate to present same, without delay, at the office of: HARDING, HILL, TUROWSKI & JAMES LLP c/o Matthew E. Turowski, Esquire, 38 West Third Street, Bloomsburg, PA 17815

ESTATE OF EDWARD WOLFF, late of South Abington Township, Lackawanna County, PA (died March 6, 2021), Letters Testamentary having been granted to Marty Wolff, Scranton, Pennsylvania. Creditors shall make demand and debtors shall make payment to the Executor or to the Attorney for the Estate, David J. Ratchford, P.O. Box 121, Scranton, PA 18501.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF WILLIAM S. ZWICHAROWSKI**, Deceased, late of 401 Kennedy Drive, Archbald, Lackawanna County, Pennsylvania 18403, who died on November 21, 2020. 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, Martha Zwicharowski, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

Second Notice

ESTATE OF ANDREW T. BARANSKY, late of Jessup, PA (died January 15, 2021) Letters Testamentary were granted to Andrew M. Baransky, Executor. Elaine C. Geroulo, Esq., Attorney for the Estate 411 Jefferson Avenue, Scranton, PA 18510.

RE: **ESTATE OF NOREEN CANDELINO**, late of Taylor, Pennsylvania (died October 25, 2020). Notice is hereby given that Letters of Administration for the Estate of Noreen Candelino have been issued to Cheryl Ann Rowe, Administratrix 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 Administratrix at 107 Center Street, Taylor, PA 18517 or

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to Kristen M. Clark, Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF JOHN DITCHKUS, SR., late of Scranton, PA; died February 2, 2021; Elizabeth Thomas, Executor; Patrick M. Rogan, Attorney for the Estate, 277 Scranton Carbondale Highway, Scranton, PA 18508.

ESTATE OF PAULINE M. FIEHL, late of Scranton, Pennsylvania (died November 2, 2019). Notice is hereby given that Letters Testamentary for the above estate have been granted to John T. Jones, of Dickson City, PA, Executor. All persons indebted to said estate are required to make immediate payment and those having claims to present the same without delay to the Executor named herein, or to Jeffrey B. Jones, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

ESTATE OF EDWARD J. GOLDEN, DECEASED, late of 1308 QUINCY AVE., DUNMORE, PA 18510, (Died March 16, 2021) LINDA GEARY, Executrix; Dante A. Cancelli, Esquire, Suite 260, 125 N. Washington Ave., Scranton, Pennsylvania 18503, Attorney.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF NANCY LYNOTT ALSO SOMETIME KNOWN AS NANCY J. LYNOTT**, (Date of Death: March 21, 2021) late of Dunmore, 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: MARIA LYNOTT, ADMINISTRATOR, BRENDA D. COLBERT, ESQUIRE, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

RE: **ESTATE OF JOHN H. MCCARTHY**, late of Archbald, Lackawanna County, Pennsylvania (died January 3, 2020). Notice is hereby given that Letters Testamentary for the Estate of John H. McCarthy have been issued to Jeffrey W. Nepa, Executor 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 Executor, or to Sean P. McGraw, Attorney for the Estate, 41 N. Main Street, Suite 415, Carbondale, PA 18407.

ESTATE OF BERNARD E. NANIEWICZ, SR., late of Scott Township, PA; died March 5, 2021; Bernard E. Naniewicz, Jr., Executor; Patrick M. Rogan, Attorney for the Estate, 277 Scranton Carbondale Highway, Scranton, PA 18508.

IN RE: **ESTATE OF ANNE POPIS**, late of Scranton, Lackawanna County, Pennsylvania (died June 19, 2020). Letters of Administration 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 the Estate Personal Representative Ann Popis Berardi, or to Joseph S. Toczylowski, Jr., Esquire, 723 North Main Street, Archbald, PA 18403.

ESTATE OF ELDORA M. TALENTI, late of Dickson City, Lackawanna County, Pennsylvania (died February 13, 2021). Notice is hereby given that Letters Testamentary have been issued to Daniel P. Talenti, Executor 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 Daniel P. Talenti, c/o John J. McGee, Attorney for the Estate, P.O. Box 3298, Scranton, PA 18505.

ESTATE OF JOHN WALSKI, A/K/A JOHN W.

WALSKI, A/K/A JOHN WILLIAM WALSKI, late of Scott Township, Pennsylvania, (died April 24, 2021). Letters Testamentary on the above estate having been granted, all persons having claims and demands against the estate of the above decedent shall make them known and present them; all of the persons indebted to the said decedent shall make payment thereof without delay to: Patricia A. Sladicka, 182 Edgewood Drive East, Clarks Summit, PA 18411 or Peoples Security Bank c/o Carol C. McMullen, V.P. and Trust Officer, 150 North Washington Avenue. Scranton, PA 18503. Patrick J. Lavelle, Esquire, Attorney for the Estate.

ESTATE OF EDWARD WARUNEK, SR., late of Dupont, Lackawanna County, Pennsylvania, (died April 23, 2016). Notice is hereby given that Letters of Testamentary on the above estate have been granted to Kenneth Warunek, of Scranton, PA, 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 Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted to Lesley Hess, Administratrix of the **ESTATE OF ALBERTA ANN YESLAVAGE**, late of Dickson City, Lackawanna County, Pennsylvania, who died on December 31, 2020. 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 Executrix, c/o Biagio V. Musto, II, Esquire, 171 William Street, Pittston, PA 18640.

ESTATE OF ALICE J. ZARNOWSKI, late Carbondale, Lackawanna County, Pennsylvania, (died August 21, 2020). Notice is hereby given that Letters of Administration on the above estate have been granted to Alyce Marshall, of New Milford, PA, Administratrix. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Administratrix named herein, or to Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

Third Notice

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF ROBERT J. ARNOLD**, late of South Abington Township, Lackawanna County, (died March 9, 2021) to Douglas Arnold, Personal Representative. Kevin J. Dempsey, Esquire, Attorney for the Estate, 114-116 North Abington Road, Clarks Green, PA 18411. 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 the Personal Representative named above.

ESTATE OF SHARON E. BARRETT, A/K/A SHARON BARRETT, Deceased, late of Scranton, Pennsylvania (Died January 2, 2021). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Linda Costa, Administratrix, c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504.

NOTICE is hereby given that Letters Testamentary have been given in the **ESTATE OF ROBERT J. DEVINE, A/K/A ROBERT JOHN DEVINE**, late of Old Forge, Lackawanna County, Pennsylvania, who died April 10, 2021. All persons indebted to said Estate are required to make payment, and those having claims or demands, to present the

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same without delay to the Executor, Joseph E. Kluger, and his attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

ESTATE OF ANNE M. ELLIS, late of Waverly Twp, Lackawanna County, PA (died April 13, 2021). Letters Testamentary 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 Quinn P. Conaboy, Executor, 306 Brighton Drive, Clarks Green, PA 18411 or to Jane M. Carlonas, Esquire, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 S. Abington Road, Clarks Summit, PA 18411.

RE: **ESTATE OF BOHDAN FEDORCHAK**, late of Carbondale, Lackawanna County, Pennsylvania (died January 28, 2021). Notice is hereby given that Letters of Administration for the Estate of Bohdan Fedorchak have been issued to Tamara Swam, Administratrix 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 Administratrix, or to Sean P. McGraw, Attorney for the Estate, 41 N. Main Street, Suite 415, Carbondale, PA 18407.

ESTATE OF JAMES R. FOX, late of Moosic, PA (Died: March 13, 2021). Jane Burke, Executrix or Albert E. Nicholls, Jr., Attorney for the Estate, 1421 E. Drinker, Street, Dunmore, Pennsylvania 18512.

RE: **ESTATE OF BARBARA A. FISCHER**, late of Carbondale, Lackawanna County, Pennsylvania (died December 13, 2020). Notice is hereby given that Letters Testamentary for the Estate of Barbara A. Fischer have been issued to Ronald J. Fischer, Executor 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 Executor, or to Sean P. McGraw, Attorney for the Estate, 41 N. Main Street, Suite 415, Carbondale, PA 18407.

NOTICE IS HEREBY GIVEN that Letters of Administration in the **ESTATE OF ELVIRA R. KRIGER A/K/A ELVIRA RITA KRIGER**, (Date of Death: November 25, 2020) late of the Borough of Throop, 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: DONNA CROCCO, CO-ADMINISTRATOR, HOWARD KRIGER, JR., CO-ADMINISTRATOR, BRENDA D. COLBERT, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF ALBERT REVIELLO, late of the Borough of Old Forge, Lackawanna County, Pennsylvania, (died April 15, 2021). Letters Testamentary were granted to Robert Rivello. Creditors present claims and debtors make payments to John P. Pesota, Esquire, Suite 402 SNB Plaza, 108 North Washington Avenue, Scranton, PA 18503.

ESTATE OF JAMES SWEENEY, late of Scranton, Lackawanna County, Pennsylvania, deceased (Died September 1, 2020) Letters of Administration have been granted in the above Estate to Paul Sweeney, Administrator or James J. Powell, III, Esq., Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503. All persons having claims against the estate are requested to present them in writing and all persons indebted to the estate to make payment to it in care of the Attorney noted above.

Notice is hereby given that Letters Testamentary have been issued in the **ESTATE OF JOSEPH J. QUINLAN**, DECEASED, late of 519 R. Birch Street, Scranton, Lackawanna County, Pennsylvania, who died March 16, 2021. All creditors are requested to present their claims and all persons indebted to the decedent to make payment to Ann Marie Locker, the Executor, or to Ann Lavelle Powell, Esq., Powell & Appleton, P.C., 345 Wyoming Avenue, Scranton, Pennsylvania 18503.

Notice is hereby given that Letters of Administration have been granted in the following Estate. 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 Administrator named. **ESTATE OF MARK T. WARNER**, Scranton, PA. Marlene Warner, Administrator; Christopher J. Szweczyk, Esquire, 321 Spruce Street - Suite 201, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF CARMELLA G. ZIELINSKI**, (date of death: November 27, 2020) late of the Borough of Old Forge, 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: MARY ANN HOLGASH, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

FICTITIOUS NAME

Notice is hereby given that Notarianni Zambetti Drywall & Paint, LLC filed an application with the Commonwealth of Pennsylvania on April 1, 2021, to conduct business under the Fictitious Name of: Notarianni Drywall and Paint, LLC.

Mark J. Conway, Esq.
502 South Blakely Street, Dunmore PA 18512
T1-6/4

FICTITIOUS NAME

An application for registration of the fictitious name **J&A Scrap Metal Removal**, 99 Shields Rd, Scott Twp, PA 18447 has been filed in the Department of State at Harrisburg, PA, File Date 03/09/2021 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Amanda Fuller, 99 Shields Rd, Scott Twp, PA 18447, Jeremy Kizer, 99 Shields Rd, Scott Twp, PA 18447.

T1-6/4

CHANGE OF NAME

Notice is hereby given that on May 26, 2021, a Petition for a Change of Name was filed in the Court of Common Pleas of Lackawanna County by Alexa Rose Wheeler to change her name from Alexa Rose Wheeler to Alexa Rose Crotti. A hearing on such Petition has been scheduled before the Honorable Thomas J. Munley, on July 15, 2021 at 10:30 a.m. in Courtroom No. 6, 200 North Washington Avenue, Scranton, PA, 18503.

T1-6/4

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CHANGE OF NAME

Notice is hereby given that Petitions for Change of Name have been filed in the Lackawanna County Court of Common Pleas by Ashley Oset to change the names of her minor children Brooklyn Rose Agosto and Carter William Christopher Agosto to Brooklyn Rose Oset and Carter William Christopher Oset, respectively. The Court has fixed July 15, 2021 at 9:30 AM as the date and time of the hearing.

T1-6/4

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT a Certificate of Organization for Domestic Limited Liability Company of **OLD McDONNELL'S CATERING, LLC**, was filed and approved by the Pennsylvania Department of State on March 22, 2021, in accordance with the provisions of the Pennsylvania Limited Liability Company Law of 1994.

BENJAMIN S. SCHNESSEL, ESQUIRE
11 Park Place, Carbondale PA 18407
T1-6/4

NOTICE

ACTION TO QUIET TITLE IN THE COURT OF
COMMON PLEAS OF LACKAWANNA COUNTY,
PENNSYLVANIA
NO.: 2020-CV-3931

JOSEPH J. COCCO & DENISE M. COCCO
Plaintiffs

ROCCO A. TAMBURRO & VIRGINIA C. TAMBURRO A/K/A
VIRGINIA C. FUSILLO
Defendants

NOTICE IS HEREBY GIVEN TO ROCCO A. TAMBURRO & VIRGINIA C. TAMBURRO A/K/A VIRGINIA C. FUSILLO, and any and all executors, administrators, trustees, heirs, successors and assigns, and all those claiming under or through them, Defendants, that on October 13, 2020, JOSEPH J. COCCO & DENISE M. COCCO filed a Quiet Title Complaint endorsed with a Notice to Defend against you in the Lackawanna County Court of Common Pleas to No.: 2020-CV-3931 seeking to quiet title to the real property commonly known as Lot No.: 5, Benton Township, Lackawanna County, Pennsylvania identified as PIN: 02814-010-033; and more particularly described at Lackawanna County Deed Book 758, Page 195 (the "Premises").

You are notified to appear and defend this action within 30 days of this publication or a Decree will be entered against you stating that the Plaintiffs are the owner of the Premises. You or anyone claiming by or through you will be forever barred from asserting any right, lien, title or interest in the Premises inconsistent with the interest or claim of the Plaintiffs set forth in the Complaint unless you commence an action of ejectment or other such action as the court may direct within 30 days of the date of the Decree. If you wish to defend, you must enter written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed

without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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 LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PA Lawyer Referral Service
Lackawanna Bar Association
233 Penn Avenue
Scranton, PA 18503
(570) 969-9161

Northern Pennsylvania Legal Services
33 North Main Street
Suite 200
Pittston, PA 18640
(570) 299-4100

Ernest A. Spoto Jr., Esq.
108 N Washington Avenue, Suite 401
Scranton, PA 18503
(570) 340-1556 (T1-6/4)

NOTICE

North Pocono School District
vs. David W. Shyna,
Administrator of the Estate of Joseph W. Shyna
- No. 2018-51226 -
Court of Common Pleas of Lackawanna County, PA.

Notice is given that the above was named as Defendant in a civil action by Plaintiff to recover 2017-2018 real estate taxes for property located at L.R. 35081, Clifton Township, PA, PIN #24204-010-00702. An Amended Writ of Scire Facias for \$6,566.85 was filed. You are notified to plead to the Writ on or before 20 days from the date of this publication or a judgment may be entered. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by Plaintiff. You may lose money, property or other rights important to you. 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 OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northeastern PA Legal Services,
33 N. Main St., Ste. 200, Pittston, PA 18640,
570.299.4100.

Portnoff Law Assoc., Ltd.,
P.O. Box 391,
Norristown, PA 19404-0391,
866.211.9466
T2-6/11

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NOTICE

TO: ESTATE OF ELIZABETH MOLNAR, a/k/a ELIZABETH GATZ, deceased, EDWARD D. GATZ, Individually and as Administrator of the Estate of Elizabeth Molnar, STEPHEN BARBICH, JOHN MOLNAR, DAVID GATZ and SOPHIA GATZ, and each of their devisees, assigns and any and all parties claiming right, title or interest from or through them generally.

You are hereby notified that THOMAS ZUPKO and ARLETTE ZUPKO, his wife, have filed an Action to Quiet Title against you in the Court of Common Pleas of Lackawanna County, Pennsylvania, to No. 2020-CV-2626, setting forth that it is the legal and absolute owner of the following parcel of land:

Beginning at a point in the southeasterly Right-of-Way line of Pennsylvania State Highway SR 3011, aka Milwaukee Avenue, aka South Keyser Avenue, said point being in a southwesterly direction for a distance of 70 feet, more or less along said southeasterly Right-of-Way line of Pennsylvania State Highway SR 3011 from its intersection with the southwesterly line of Reese Street;

THENCE along the lands now or formerly of Mary Wasylyk and Robert N. Visnofsky (being along the division line between so-called leasehold numbers 5211 and 6831) in a southeasterly direction for a distance of 163 feet, more or less to a point in the northwesterly line of Casper Street;

THENCE along said northwesterly line of Casper Street in a southwesterly direction for a distance of 89 feet, more or less to a point;

THENCE continuing in the same southwesterly direction for a distance of 125 feet, more or less along the lands now or formerly of Harold N. and Jean A. Benke to a point;

THENCE along the lands now or formerly of the White Eagle Hose Company No. 4 in a northwesterly direction for a distance of 157 feet, more or less to a point in the southeasterly Right-of-Way line of Pennsylvania State Highway SR 3011;

THENCE along said southeasterly Right-of-Way line of Pennsylvania State Highway SR 3011 in a northeasterly direction for a distance of 183 feet, more or less to a point, the Point of Beginning.

Being that so-called leasehold number 6831 as per map entitled "mabeso Corporation," said map or plot being recorded in the Lackawanna County Recorder of Deeds Office in Map Book No. 5, pages 158 and 159.

Being a portion of that parcel of land conveyed from Carol Klein Kaplan; Judith Klein Premselar; Jonathan Myers; and David Myers, Tenants in Common, each to an undivided twenty-five (25%) percent interest to Thomas Zupko and Arlette Zupko, his wife by deed dated November 9, 1995 and being recorded in the Lackawanna County Recorder of Deeds Office in Deed Book No. 1528, page 766.

Containing an area of 0.7 acres of land, more or less.

Being that parcel of land that was leased to Elizabeth Molnar by the Pennsylvania Coal Company.

Address of said parcel of land being known as 307 Milwaukee Avenue, Old Forge, Pa., 18518.

Being Tax Map No. 175.07-040-005.

The Court has ordered that service be made upon you by publication and that you are required to plead to the Complaint within twenty (20) days of the publication hereof. If you fail to plead, judgment may be entered against you and the Plaintiff will be decreed the owner in fee simple of said premises. If you wish to defend, you must enter a written appearance personally or by an attorney and file your defenses or objections in writing with the Court. 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 the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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 LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northern Pennsylvania Legal Services, Inc.,
33 North Main St., Suite 200, Pittston, PA 18640,
(570) 299-4100

Lawyer Referral Service,
Lackawanna Bar Association
233 Penn Avenue, Scranton PA 18503
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RINALDI & POVEROMO, P.C.
BY: RAYMOND C. RINALDI, II, ESQUIRE
Attorneys