LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Novajosky v. North Penn Distributors, 2019 WL5681381 (Lacka. Co. 2019)

DATE OF DECISION: October 18, 2019

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Brian J. Walsh, Esquire, Counsel for Plaintiff

Norman D. Namey, Esquire, Counsel for Defendants, North Penn Distributors, Inc., and John Delvecchio

Mark T. Sheridan, Esquire, Counsel for Defendants, Contractors Equipment Rental, Inc. t/d/b/a Powell's Rental and/or Powell's

Rental, and Powell Excavating, Inc.

SUMMARY OF OPINION:

Plaintiff, who was injured in an accident when a tractor and lowboy unloading an excavator allegedly blocked the only clear lane of travel and forced him into a snow and ice-covered lane causing him to lose control and crash, filed a personal injury suit against the commercial driver and his employer. Plaintiff averred that those defendants blocked the roadway "when they knew" that it would force other motorists to drive "into the unplowed snowy and icy" lane of travel, and that they did not place, or even possess, he emergency reflective triangles, fusees, or other warning devices required by federal and state law. After plaintiff gathered evidence in support of those allegations during discovery, including expert reports that concluded that those defendants acted recklessly and with conscious disregard for safety, he filed a motion to amend his complaint to include a claim for punitive damages. Leave to amend a pleading should be liberally granted unless the amendment seeks to assert a new cause of action after the statute of limitations has expired or will result in prejudice to an adverse party. A request for punitive damages does not constitute an independent cause of action and is merely incidental to an underlying claim, and plaintiffs proposed amendment merely amplified his earlier allegations without asserting a new time-barred cause of action. Furthermore, the commercial defendants did not identify any resulting prejudice that warranted the denial of plaintiffs requested amendment. Therefore, the motion to amend the complaint to include a punitive damages claim was granted.

JUDICIAL OPINION

CASE NAME AND NUMBER: Birchwood Estates v. Target Fire Protection, 18 CV 6777 (Oct. 21, 2019)

DATE OF DECISION: October 21, 2019

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Michael G. Gallacher, Esquire, Counsel for Plaintiff Susan J. Wiener, Esquire, Counsel for Defendant

SUMMARY OF OPINION:

Plaintiff asserted fraud and negligence by defendant in installing a fire protection system pursuant to their contract by failing to install the system piping in conditioned, heated spaces, by neglecting to install the system in accordance with the International Building Code and the National Fire Protection Association standards, and by performing its services in an "unworkmanlike manner." Plaintiff also asserted that in order to induce it to execute the installation agreement, defendant represented that it would perform certain inspection and testing services that it never intended to complete, and that defendant later sought payment for inspection services that it never performed and even filed a mechanics' lien for services that it did not provide. Defendant demurred to the negligence claim based upon the gist of the action doctrine, and asserted that the fraud claim had not been alleged with sufficient particularity.

Although the parties' contract was the means by which the vendor/contractor relationship was created between the parties, the negligence claims were not predicated upon any specific executory promises contained in their agreement, particularly the duty of reasonable workmanship which is implied by law and exists independently of any contractual representation. Since the negligence claims were based upon defendant's alleged violation of a broader societal duty, the demurrer to the negligence claim was overruled. Fraud is sufficiently alleged under Pa.R.C.P. 1019(b) if the pleading adequately explains the nature of the claim to the opposing party so as to permit the preparation of a defense, and the allegations are sufficient to convince the court that they are not merely subterfuge. Inasmuch as plaintiff's averments adequately explained the nature of its misrepresentation claim so as to permit defendant to prepare a defense, and they were sufficient to convince the court that they were not merely subterfuge, the demurrer to the fraud claim was also overruled.

ESTATES

First Notice

ESTATE OF JOHN BARTKOVSKY, DECEASED, late of 300 Lillibridge Street, Peckville, PA 18452, (Died October 16, 2019) HELENE MOYLES, Administratrix; Dante A. Cancelli, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney

RE: ESTATE OF MARION M. BEDE, late of Dalton, Pennsylvania. Letters Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Theresa J. Bede, Executor, 76 Humphrey Road, Dalton, Pennsylvania 18414, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorneys for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

ESTATE OF EDWARD J. BONK, JR., late of Roaring Brook Township, PA (died October 27, 2019). Letters of Administration having been granted, all persons having claims shall present them and all persons indebted to decedent shall make payment to Judith Bonk, Administrator, c/o Frank A. Marcin, Attorney for the Estate, 814 Main Street, Dickson City, PA 18519.

ESTATE OF FRANK CHAPCHUK, ESTATE NUMBER 35-2019-1469, DECEASED, LATE OF DUNMORE, LACKAWANNA COUNTY, PA: DIED OCTOBER 23, 2019. NOTICE IS HEREBY GIVEN THAT LETTERS TESTAMENTARY HAVE BEEN GRANTED IN THE ABOVE ESTATE. ALL PERSONS INDEBTED TO SAID ESTATE ARE REQUIRED TO MAKE PAYMENTS, AND THOSE HAVING CLAIMS OR DEMANDS ARE TO PRESENT THE SAME WITHOUT DELAY TO DAVID CHAPCHUK, 1012 BUENZLI CT., SCRANTON, PA. 18510 AND FRANK CHAPCHUK, 46223 TRILLUM SQ. #204, STERLING, VA 20165

ESTATE OF ANN M. DEITRICK, late of Dunmore, PA (died June 4, 2019). Letters of Administration having been granted to William Deitrick. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to William Deitrick, Executor, or to: Tullio DeLuca, Attorney for the Estate, 381 N. 9th Avenue, Scranton, PA 18504.

Notice is hereby given that Letters Testamentary have been granted in the ESTATE OF MARGARET E. GATTI, late of Scranton, PA (died September 1, 2019). 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: Leslie C. Drouse; or Terrence J. McDonald, Atty., 103 East Drinker Street, Dunmore, PA 18512.

ESTATE OF EDWARD T. LUBASH, ESTATE NUMBER 35-2019-1443, DECEASED, LATE OF MAYFIELD, LACKAWANNA COUNTY, PA: DIED OCTOBER 23, 2019. NOTICE IS HEREBY GIVEN THAT LETTERS TESTAMENTARY HAVE BEEN GRANTED IN THE ABOVE ESTATE. ALL PERSONS INDEBTED TO SAID ESTATE ARE REQUIRED TO MAKE PAYMENTS, AND THOSE HAVING CLAIMS OR DEMANDS ARE TO PRESENT THE SAME WITHOUT DELAY TO MARTHA E. LUBASH, 407 DELAWARE ST., MAYFIELD, PA 18433.

ESTATE OF LILLIAN PEARCE, deceased, late of Scranton, PA (died October 28, 2019). Letters of Administration 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

the decedent shall make payment thereof to Deborah Borst or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Spruce Street, Scranton, PA 18503-1816.

ESTATE OF DOMINIC R. SCOTT, late of Clarks Green, Pennsylvania (died October 6, 2019). Letters Testamentary have been issued to James D. Scott and Teresa Scott Elechko, Co-Executors of the Estate. All those indebted to said Estate are required to make payment and those having claims to present the same without delay to the Administrator or to Patrick Walsh, Esquire, Attorney for the Estate at 715 N. State Street, Clarks Summit, PA 18411.

ESTATE OF NORMA J. WAGNER, deceased, late of Roaring Brook Twp., PA (died October 25, 2019). Letters Testamentary 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 the decedent shall make payment thereof to Randy L. Wagner or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Spruce Street, Scranton, PA 18503-1816.

ESTATE OF JOSEPH E. WALSH, AKA JOSEPH WALSH, AKA JOE WALSH, ESTATE NUMBER 35-2019-908, DECEASED, LATE OF SOUTH ABINGTON TOWNSHIP, LACKAWANNA COUNTY, PA: DIED APRIL 2, 2019. NOTICE IS HEREBY GIVEN THAT LETTERS TESTAMENTARY HAVE BEEN GRANTED IN THE ABOVE ESTATE. ALL PERSONS INDEBTED TO SAID ESTATE ARE REQUIRED TO MAKE PAYMENTS, AND THOSE HAVING CLAIMS OR DEMANDS ARE TO PRESENT THE SAME WITHOUT DELAY TO SHARON R. BURTON, 47 WEDGEWOOD WAY, DALLAS, PA 18612.

NOTICE IS HEREBY GIVEN THAT Letters of Administration have been granted in the ESTATE OF PATRICIA ANN ZUR, Deceased, late of 18 Midland Street, Simpson, Pennsylvania, 18407 (died October 3, 2019), and all persons indebted to said estate are requested to make payment, and those having claims to present the sum without delay, to MARY A. LEWIS, Administratrix c/o JOSEPH S. COLBASSANI, ESQUIRE, MINORA, KROWIAK & MUNLEY, 700 Vine Street, Scranton, PA 18510, Attorney for the Estate.

Second Notice

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted in the Estate of BERNADETTE DOMBROSKY, late of Carbondale, Lackawanna County, Pennsylvania (died September 25, 2019). 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, Teressa M. Dombrosky, or John J. Lawler, Jr., Attorney for the Estate, 25 North Main Street, Suite Two, Carbondale, Pennsylvania 18407.

RE: ESTATE OF MARY KOLUCKI, late of Scott Township, PA, who died August 9, 2019. Letters Testamentary in the above estate having been granted, all persons having claims or demands against the estate of the decedent shall make payment thereof without delay to: Barbara Ann Kolucki, Executrix, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

LACKAWANNA JURIST

IN RE: ESTATE OF JOSEPH KLESZYK, late of Olyphant, Pennsylvania (Died September 14, 2019). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Sandi Morgan. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executrix named above or to Eugene Daniel Lucas, Esquire, 207 Lackawanna Avenue, Olyphant, PA 18447.

RE: ESTATE OF VINCENT FRANCIS LANGAN a/k/a FATHER VINCENT FRANCIS LANGAN, Deceased. Date of Death: September 1, 2019. Late of Scranton, Lackawanna County, PA. Diane Blaser, Executor, 60 Heussy Avenue, Upper Apartment, Buffalo, NY 14220. Attorney: R. Joseph Landy, Esq., Landy & Rossettie, PLLC, 228 Desmond Street, P.O. Box 206, Sayre, PA 18840-0206.

CHRISTOPHER THOMAS LEPKOSKI, deceased, late of Jessup, PA (died August 4, 2019). Letters Testamentary 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 the decedent shall make payment thereof to Sharon E. Thomas or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Spruce Street, Scranton, PA 18503-1816.

RE: ESTATE OF DONNA L. LEWIS, late of Scranton, Lackawanna County, Pennsylvania (died November 7, 2019). Notice is hereby given that Letters Testamentary for the Estate of Donna L. Lewis have been issued to Warren J. Lewis, 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 John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street-Suite 201, Scranton, PA 18503.

ESTATE OF HAZEL H. LORD, late of Jefferson Township, PA (died March 31, 2019). Notice is hereby given that Letters of Administration for the Estate of Hazel H. Lord have been issued to Barbara L. Gataveskas, Administratrix of the Estate. All those having claims or demands against the Estate shall present claims or remit payment without delay to Mark J. Conway, Attorney for the Estate, 502 South Blakely Street, Dunmore, Pennsylvania 18512.

ESTATE OF MARIE MALAMUD, late of Clarks Summit, Lackawanna County, (died 12/25/2017). Letters of Administration on the said Decedent having been granted to the undersigned, any person having a claim against the estate shall make their claim known to the personal representative or his attorney, and all persons indebted to the decedent shall make payment to the personal representative without delay. Brian Malamud, Administrator, 1009 Woodwind Hill Drive, Dalton, PA 18414. Kari E. Panza, Esquire, R.J. Marzella & Associates, 3313 North Front Street, Harrisburg, PA 17110.

ESTATE OF JEREMIAH F. MUNLEY, DECEASED, late of 341 IRVING STREET, OLYPHANT, PA 18447, (Died AUGUST 6, 2019) SUSAN MUNLEY, Administratrix; Mark G. Rudalavage, 171 Scranton-Carbondale Highway, Eynon, Pennsylvania 18403-1027. Attorney.

RE: ESTATE OF MARK JÁMES O'CONNOR, late of Olyphant, Lackawanna County, Pennsylvania 18447 (died August 25, 2019). Letters of Administration having been granted, creditors shall make demand and debtors shall make payments to Ann O'Connor, Administratrix, or Attorney James E. O'Brien, Jr., Scranton Life Building, Suite 610, 538 Spruce Street, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the ESTATE OF ELMER L. PENCEK, 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: BEVERLY J. PENCEK, EXECUTRIX, KEVIN R. GREBAS, Esquire, COBERT & GREBAS, P.C., 210 MONTAGE MOUNTAIN ROAD – Suite A, Moosic, PA 18507.

ESTATE OF DONALD R. SABATELL, SR., late of Dunmore, PA (died September 10, 2018). Notice is hereby given that Letters of Administration for the Estate of Donald R. Sabatell, Sr. have been issued to Donald Sabatell, Jr., Administrator of the Estate. All those having claims or demands against the Estate shall present claims or remit payment without delay to Mark J. Conway, Attorney for the Estate, 502 South Blakely Street, Dunmore, Pennsylvania 18512

ESTATE OF SHIRLEY THOMAS alk/a SHIRLEY BRONG THOMAS, late of Scott Township, Lackawanna County, PA, (died October 20, 2019). Letters Testamentary were granted to Joyce Ham. Creditors present claims and debtors make payment to the Executrix, or to Kim A. Giombetti, Esq., The Ritz Building, 222 Wyoming Avenue, Scranton, PA 18503, Attorney for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the ESTATE OF PATRICIA VANCOSKY, Deceased, late of 503 Hill Street, Jessup, Lackawanna County, Pennsylvania 18434, who died on September 27, 2019. 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, Sandra Troiani, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF LAWRENCE J. WARNER, late of Scranton, Pennsylvania, (Died: October 22, 2019). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Lori Ann Gurnari, Executrix. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Executrix named herein, or to Neil F. MacDonald, Esquire, Durkin MacDonald, LLC, Attorney for this Estate, 536 East Drinker Street. Dunmore. Pennsylvania 18512.

IN RE: ESTATE OF STEPHEN WOJTKIELEWICZ, late of Moscow, Pennsylvania (Died February 26, 2019). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Tracy Stone-Wojtkielewicz. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executrix named above or to Eugene Daniel Lucas, Esquire, 207 Lackawanna Avenue, Olyphant, PA 18447.

Third Notice

ESTATE OF RICHIE CLARKSON, Late of Archbald, PA (deceased October 09, 2019). Letters Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Eric Clarkson, 712 River Street, Peckville PA or to James Christopher Munley, Esquire, Munley Law, Attorney for the Estate, 227 Penn Avenue, Scranton, PA 18503.

In re: ESTATE OF JOSEPH GEORGE FAWCETT, late of Mayfield, Lackawanna County, PA, (died October 20, 2019). 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, Devon Fawcett-Bremer, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 392 North Main Street, Archbald, PA 18403.

NOTICE IS HEREBY GIVEN THAT LETTERS OF ADMINISTRATION HAVE BEEN GRANTED IN THE ESTATE OF JOHN J. GRECO, DECEASED, LATE OF OLD FORGE, LACKAWANNA COUNTY, PENNSYLVANIA, WHO DIED ON MAY 28,2019. 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 ADMINISTRATRIX, LISA ANN ZAKRESKI, C/O ATTORNEY FOR THE ESTATE, LAURA T. MACARAVAGE, ESQUIRE, 504 CHARLES CIRCLE, PITTSTON, PENNSYLVANIA 18640.

NOTICE IS HEREBY GIVEN THAT LETTERS OF ADMINISTRATION HAVE BEEN GRANTED IN THE ESTATE OF JOHN J. GRECO, DECEASED, LATE OF OLD FORGE, LACKAWANNA COUNTY, PENNSYLVANIA, WHO DIED ON MAY 28,2019. 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 ADMINISTRATRIX, LISA ANN ZAKRESKI, C/O ATTORNEY FOR THE ESTATE, LAURA T. MACARAVAGE, ESQUIRE, 504 CHARLES CIRCLE, PITTSTON, PENNSYLVANIA 18640.

IN RE: THOMAS LASKIEWICZ, Deceased, late of the Covington Township, Lackawanna County, Pennsylvania, who died September 24, 2019. Letters of Administration having been granted in said Estate on November 4, 2019 to Paul M. Laskiewicz, Administrator, all persons indebted thereto shall make payment and all creditors shall present their claims without delay to Keeler Legal, LLC, Paul Keeler, Esquire, Attorney for the Estate, 415 South State St., Clarks Summit, Pennsylvania, 18411.

ESTATE OF EUGENE REMPE, late of Taylor, PA (died 10/28/19) Joan C. Rempe, Executrix. Paul A. Kelly, Jr., Esq.- Attorney, 201 Lackawanna Avenue, Suite 306, Scranton, PA 18503.

ARTICLES OF INCORPORATION

The Banks Event Corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Rose M. Randazzo, Esq. 39 South Main Street, Pittston, PA 18640. T1-12/6

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Pennsylvania Department of State effective November 18, 2019, for the Paige Cognetti Inaugural Committee, pursuant to the provisions of the Pennsylvania Nonprofit Corporation Law of 1988. The Corporation is organized for charitable, literary, scientific, relicious and educational purposes.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about October 22, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: ElHAB Holding Corporation, Inc., 723 South State Street, Clarks Summit, PA 18411. This corporation is incorporated under the laws of Delaware. The address of its principal office is 168-18 South Conduit Avenue, Springfield Gardens, NY 11434. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

T1-12/6

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed for the BEST WIRELESS SCRANTON INC. with the Commonwealth of Pennsylvania on November 21, 2019. The address of the corporation's registered office is 1341 South Main Avenue, Suite 220, Scranton, PA 18517 in Lackawanna County. This corporation is incorporated under the provisions of the Business Corporation Law of 1988, as amended.

T1-12/6

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania on the 16TH day of SEPTEMBER 2019, for the purpose of creating a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is **FASHION WORLD Inc.**

T1-12/6

FICTITIOUS NAME

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 October 10, 2019 for **Reynolds Rides and Rubber** at 79 South Main Street Carbondale, PA 18407. The name and address of each individual interested in the business is Drew Reynolds at 79 South Main Street Carbondale, PA 18407. This was filed in accordance with the 54 PaC.S. 311.

T1-12/6

FICTITIOUS NAME

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 October 29, 2019 for Custom Contracting & Designs at 56 Prince Edward Dr. Covington Township, PA 18424. The name and address of each individual interested in the business is Edward P. Davailus, Jr. at 56 Prince Edward Dr. Covington Township, PA 18424. This was filed in accordance with the 54 PaC.S. 311.

T1-12/6

LACKAWANNA JURIST

NOTICE

IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY Docket No.: 19CV 5232

Starlight Group, LLC
Plaintiff
v.
Mary Arce,
Defendant

IMPORTANT NOTICE

To: Mary Arce

November 26, 2019

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE MONEY, PROPERTY OR OTHER IMPORTANT RIGHTS.

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.

North Penn Legal Services, Inc. 33 North Main Street Suite 200 Pittston, PA 18640 Telephone (570) 299-4100

PA Lawyer Referral Service 233 Penn Avenue Scranton, PA 18503 Telephone (570) 969-9600

> Robert J. Murphy, Esq. 570.343.7444 T1-12/6