

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: DelGuercio v. Tio, 2020 WL 1902822 (Lacka. Co. 2020)

DATE OF DECISION: March 26, 2020

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Andrew S. Youman, Esquire, Heather K. D'Onofrio, Esquire, Counsel for Plaintiffs
Johnathan E. Weiss, Esquire, Counsel for Defendants, Vincent Tio, D.O. and Pennsylvania Physicians Services, LLC
Stuart T. O'Neal, Esquire, Courtney C. Barbacane, Esquire, Amy Redington Riley, Esquire, Counsel for Defendants, Scranton Quincy Hospital Company, LLC d/b/a Moses Taylor Hospital

SUMMARY OF OPINION:

The defendant-hospital in this malpractice action appealed an Order to the Superior Court which had directed the hospital to submit event reports and a patient safety report for an *in camera* review to facilitate a determination as to whether those materials were shielded from discovery by the Patient Safety and Quality Improvement Act ("PSQIA"), the Peer Review Protection Act ("PRPA"), or the Medical Care Availability and Reduction of Error ("MCARE") Act. As the party asserting evidentiary privileges under the PSQIA, the PRPA, and the MCARE Act, the hospital bore the burden of establishing that discovery of the requested reports was prohibited by those statutes, but its limited submissions raised a series of unanswered questions regarding the applicability of those claimed privileges. Rather than grant the plaintiffs' motion to compel the production of those reports based upon the hospital's failure to satisfy the statutory criteria for the asserted privileges due to deficiencies in the record that it had presented for review, the hospital was directed to submit the disputed reports for an *in camera* review in an effort to resolve those unsettled issues. For the reasons set forth in the Opinion pursuant to Pa.R.A.P. 1925(a), it was submitted that it was not an abuse of discretion to order the *in camera* review under the circumstances.

JUDICIAL OPINION

CASE NAME AND NUMBER: Brown v. Taylor Construction & Demolition, 2020 WL 1643377 (Lacka. Co. 2020)

DATE OF DECISION: April 2, 2020

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Frank J. Santomauro, Esquire, Counsel for Plaintiffs
Joseph S. Berarducci, Esquire, Counsel for Defendant, Building Inspection Underwriters of PA, Inc.
Kyle Taylor, Self-represented

SUMMARY OF OPINION:

Residential property owners, who allegedly suffered damage as a result of negligent construction work by a contractor, filed suit against the contractor and the entity that was hired to act as the borough's building construction code official to perform inspections and grant approvals for construction activities upon request by the contractor. They asserted that the contractor commenced and completed standard work without requesting any inspections or obtaining approvals, and contended that the building official was "careless and negligent" in conducting inspections and failing to issue stop work orders. The building official filed a motion for summary judgment on the grounds that it was immune from liability under the International Residential Code and the Political Subdivision Tort Claims Act.

Under the International Residential Code, the building construction code official was immune from liability for any act or omission in the discharge of its official duties for the borough which occurred while acting "in good faith and without malice." Even when the record was viewed in the light most favorable to the property owners, it lacked any evidence whatsoever to support a claim that the building construction code official acted with malice or in bad faith. Therefore, it was clear and free from doubt that the building code official was entitled to judgment in its favor as a matter of law, as a result of which its motion for summary judgment was granted.

ESTATES

First Notice

ESTATE OF FRANK A. BALMER, late of Scranton, Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Matthew Balmer, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to him c/o Joseph Kosierowski, Esq., 400 Broad Street, Milford, Pennsylvania 18337.

RE: ESTATE OF DAVID R. CROWTHER, late of Clarks Green, Pennsylvania. Letters Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Janet B. Crowther, Executrix, 604 Highland Avenue, Clarks Green, PA 18411, or to Paul D. Horgler, Esquire, Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, PA 18411.

ESTATE OF WILLIAM DONOVAN, Deceased (died on 1/16/2019). Late of Scranton, Lackawanna County, PA. Letters Testamentary have been granted and all creditors shall make demand and all debts shall make payment without delay to WILLIAM DONOVAN, C/O HARRY T. COLEMAN, ESQUIRE, 41 N. Main Street, Carbondale, PA 18407.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF BARBARA M. LOTZ**, (Date of Death: December 23, 2019) late of Elmhurst Township, 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: EDMUND M. KOSMAHL, EXECUTOR, BRENDA D. COLBERT, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF FR. JOSEPH F. SICA, late of Dunmore, Lackawanna County, Pennsylvania, (died March 31, 2020). Notice is hereby given that Letters Testamentary have been issued to Brian J. Cali, Esquire, Executor, MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF JOSEPH J. WHALEN A/K/A JOSEPH JAMES WHALEN A/K/A JOSEPH WHALEN**, (Date of Death: January 9, 2020) 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: PATRICIA M. PRIOLO, EXECUTRIX, BRENDA D. COLBERT, ESQUIRE, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

Second Notice

RE: ESTATE OF CLYDE MATTAS CHRISTIAN, late of Scranton, Pennsylvania. Letters Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Frank Philip Christian, III, Executor, 203 Kimberwyck Way, Kennett Square, PA 19348, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorneys for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, PA 18411.

ESTATE OF GEORGE M. HUGHES, late of Greenfield Twp., Pennsylvania, (died 12/30/19). Notice is hereby given that Letters of Administration on the above Estate have been granted to Thomas M. Hughes, of Camillus, NY, Administrator. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Administrator named herein, or to Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

ESTATE OF JEAN LACOE, A/K/A JEAN E. LACOE, late of Clarks Summit, Lackawanna County, Pennsylvania (died March 10, 2020). Letters Testamentary granted to Walter N. Wilmot, Executor; all persons indebted thereto shall make payment and all creditors shall present their claims without delay to Paul Keeler, Esquire, 415 South State St., Clarks Summit, Pennsylvania, 18411.

ESTATE OF ANTHONY P. MOLINARO, A/K/A ANTHONY MOLINARO, Peckville, Pennsylvania (died March 26, 2020), GARY A. COTRONEO, JR., Administrator, PAUL SOTAK, Attorney, 410 Jefferson Avenue, Scranton, Pennsylvania 18510. 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 same without delay to the Administrator named.

ESTATE OF JUNE PRESCHUTTI, late of Peckville, Lackawanna County, PA (died February 21, 2019). Letters Testamentary were granted to Diane Munley. 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.

RE: ESTATE OF JAMIE A. WORK, late of Jefferson Township, Pennsylvania (died April 4, 2020). Notice is hereby given that Letters of Administration for the Estate of Jamie A. Work have been issued to Mark E. Work, Administrator 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 Administrator at 224 Turnberry Village, East Stroudsburg, PA 18302 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

Third Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF SANDRA JONES** late of the Borough of Old Forge (Date of Death: February 1, 2020), 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: STACIE A. BEVIGLIA, EXECUTRIX, KEVIN R. GREBAS, ESQUIRE, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

RE: ESTATE OF RICHARD D. LEVY, late of Clarks Summit, Lackawanna County, Pennsylvania (died February 25, 2020). Notice is hereby given that Letters Testamentary for the Estate have been issued to Brian Levy and Justin Levy, Co-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 Co-Executors, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street - Suite 201, Scranton, PA 18503.

LACKAWANNA JURIST

ESTATE OF ANTHONY A. LLOYD A/K/A ANTHONY ALAN LLOYD, late of Scranton, Lackawanna County, Pennsylvania (died January 28, 2020). 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 Peoples Security Bank (Trust Department), the Administrator, 150 N. Washington Avenue, Scranton, Pennsylvania 18503 or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ANN L. NORDMARK**, late of Dalton, Lackawanna County, Pennsylvania. Date of Death February 2, 2020. Any person(s) having claim against or indebted to estate present same to: Alan H. Nordmark, 205 2nd Street, Dalton PA 18414. Attorney of Record: Kevin J. O'Hara, Esquire 11 Park Place Carbondale PA 18407.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed and approved by the Pennsylvania Department of State on April 2, 2020, in accordance with the provisions of the Business Corporation Law of December 21, 1988, as amended, for the incorporation of **MARK ENVIRONMENTAL SERVICES, INC.**

RINALDI & POVEROMO, P.C.
Raymond C. Rinaldi, II, Esquire
(t1-5/8)

ARTICLES OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State, Commonwealth of Pennsylvania in accordance with the provisions of the Business Corporation Law of 1988, as amended, for **Smart Munitions Expert Solutions, Inc.**

Cipriani & Werner, P.C.
(t1-5/8)

FICTITIOUS NAME

An application for registration of the fictitious name **SBeauty Boutique**, 118 Mountain View Way, Scranton, PA 18508 has been filed in the Department of State at Harrisburg, PA, File Date 02/24/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Sujun Burke, 118 Mountain View Way, Scranton, PA 18508.

(t1-5/8)