

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Dugan v. Hotton - 2026 WL 50110 (Lacka. Co. 2026)

DATE OF DECISION: January 6, 2026

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Patrick J. Doyle, Jr., Esquire, Kelly M. Ciravolo, Esquire and Stephen Kopko, Esquire, *Counsel for Plaintiff*
Daniel E. Cummins, Esquire, *Counsel for Defendant*

SUMMARY OF OPINION:

Defendant in this wrongful death motor vehicle litigation filed a motion seeking to stay the jury trial until the criminal proceedings pending against him for homicide by vehicle, involuntary manslaughter, and driving under the influence are concluded. Defendant's liability insurer tendered its liability coverage limits in settlement shortly after the fatal accident on September 14, 2023, and the decedent's estate collected the underinsured motorist coverage limits of the only applicable policy in 2024. Plaintiff did not contend that defendant's liability insurance carrier failed to timely tender its policy, nor did plaintiff allege that the insurer was exposed to potential bad faith liability for a verdict in excess of its policy limits.

In determining whether to grant the stay of a civil case pending the resolution of a related criminal matter, Pennsylvania follows a six-factor balancing test requiring consideration of: (1) the extent to which the issues in the civil and criminal cases overlap; (2) the status of the criminal proceedings, including whether any defendant has been indicted; (3) the plaintiff's interests in expeditious civil proceedings weighed against the prejudice to the plaintiff caused by the delay; (4) the burden on the defendant; (5) the interests of the courts; and (6) the public interest. The similarity of the issues presented in the pending civil and criminal actions is widely considered "the most important threshold issue" in determining whether or not to grant a stay.

The parties did not dispute that the civil and criminal proceedings involved the same issues, and that the defendant had been criminally charged. A plaintiff's interest in expediting civil proceedings require the plaintiff to demonstrate a "particularly unique injury, such as dissipation of assets or an attempt by defendant to gain an unfair advantage from the stay," but since the defendant was incarcerated and represented by a public defender due to his indigency, there was no real prospect that he would deplete any assets while a limited stay was in place. As for any burden on the defendant, the denial of his request for a stay would compel him to choose between asserting or waiving his Fifth Amendment right against self-incrimination, and being subject to an adverse inference instruction if he declined to testify, or to expose his criminal defense strategy by testifying in his civil case. Since it was highly unlikely that the decedent's estate would receive any further monetary recovery from defendant in the event of a civil verdict against him, the totality of the relevant factors weighed in favor of granting a limited stay for a period of four months. Consequently, defendant's request for a stay was granted to that extent, and the wrongful death trial was rescheduled for June 1, 2026.

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ESTATE

First Notice

ESTATE OF MICHAEL H. BUTLER, ESTATE NO. 35-25-00896, late of Dunmore, Lackawanna County, PA (died May 20, 2025). Notice is hereby given that Letters of Administration for the Estate of Michael H. Butler have been issued to Natalie King, 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: Executor Natalie King, c/o Atty. Corey D. O'Brien, O'BRIEN LEGAL, 72 Glenmaura National Boulevard, Suite 104, Moosic PA 18507.

MICHAEL J. DECARLO, late of Taylor, Lackawanna County, Pennsylvania, (died February 4, 2026). Notice is hereby given that Letters Testamentary have been issued to Michael B. Kearney, Executor of Estate. Marianne M. Stivala, Esquire, Cali Law, 103 East Drinker Street, Dunmore, Pennsylvania 18512.

Letters of Administration have been granted in the **ESTATE OF MARK EVANS a/k/a MARK R. EVANS a/k/a MARK RICHARD EVANS**, late of the Township of Spring Brook, County of Lackawanna, to Emily Bouton, Administratrix. All persons having claims against the Estate are requested to present them in writing and all persons indebted to the Estate are to make payment to the Estate in care of James J. Powell, III, Esquire, Powell Zero Mundy, 527 Linden Street, Scranton, PA 18503.

Notice is hereby given that Letters of Administration have been granted in the **ESTATE OF JOHN M. FOLEY**, late of Olyphant, Lackawanna County, Commonwealth of Pennsylvania (died July 24, 2024). All persons indebted to the Estate are requested to make payments and all those having claims or demands are to present same, without delay to Jeffrey Foley and John Foley, Co-Administrators of the Estate, or Jeffrey W. Nepa, Attorney for the Estate, 41 N. Main Street, 4h Floor, Carbondale, PA 18407.

NOTICE IS HEREBY GIVEN that Letters Testamentary were granted to Roseann Kelly, in the **ESTATE OF GERALD J. FONTANA**, late of the City of Scranton, Lackawanna County, Pennsylvania, who died on February 8, 2026. 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 estate's counsel named below: Edwin A. Abrahamson, Esquire Abrahamson, Conaboy & Abrahamson, P.C. 255 E. Grove St, 2nd Fl., Clarks Summit, PA 18411.

ESTATE OF DENISE Y. HWAN A/K/A DENISE YA HUI HWAN, late of Waverly Township, Lackawanna County, Pennsylvania (died November 20, 2025). Letters Testamentary in the above estate having been granted. All persons having claims or demands against the Estate of Decedent shall make them known and present them, and all persons indebted to said estate shall make payment thereof without delay to Jung Jang Hwan, Executor, 103 Stonybrook Road, Waverly Township, PA 18411, or to John M. Price, attorney for the Estate, 1212 South Abington Road, Clarks Summit, PA 18411. By: John M. Price, attorney for the Estate/Oliver, Price and Rhodes, LLP, Attorneys for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the Estate of **ESTATE OF STANLEY R. JASIENIECKI III A/K/A STANLEY JASIENIECKI**, late 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: ANDREA M. DEMUTH, CO EXECUTRIX, MARIANN D. HEALEY, CO EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A Moosic, PA 18507.

ESTATE OF ROBERT M. JEZERSKI late of Olyphant, PA, who died on December 15, 2025. Letters Testamentary in the above estate have 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 Jessica Jezerski, Administrator, c/o Mark T. Sheridan, Esquire, Wylam & Georgetti, LLC, 115 Franklin Avenue, Scranton, PA 18503.

Letters Testamentary have been granted in the **ESTATE OF SHIRLEY M. KNOWLES**, late of the Township of Madison, County of Lackawanna, to Jeffrey G. Knowles, Executor. All persons having claims against the Estate are required to present them in writing and all persons indebted to the Estate are to make payment to the Estate in care of James J. Powell, III, Esquire, Powell Zero Mundy, 527 Linden Street, Scranton, PA 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 ANDREW MARK KOKINDO**, late of Throop, PA. Lindsay Bukowski, Administrator; Christopher J. Szewczyk, Esquire, Attorney, 321 Biden Street, Suite 201, Scranton, PA 18503.

ESTATE OF PETER J. MOONEY, late of Carbondale, Pennsylvania (died December 30, 2025). Notice is here given that Letters of Administration on the above Estate have been granted to Patricia L. Petula, of Hummelstown, PA, and David E. Mooney, of Dunmore, PA. All persons indebted to the said Estate are 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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Estate of **MADELYN DYNO MULUSKY**, Deceased, late of 477 Hudson St., Jermyn, PA 18433; (Died January 17, 2026) Carol Swirdovich, Executrix; Dante A. Cancelli, Esquire, Suite 260, 125 North Washington Ave., Scranton, Pennsylvania 18503, Attorney.

ESTATE OF KEITH D. OVENS AKA KEITH DAVID OVENS late of Scranton, Lackawanna County, PA (died December 8, 2025). 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 Jodi Lameo, 222 Appletree Lane, South Abington Twp, PA 18411, Executor of the Estate or to William F. Dunstone, Esquire, 1212 S. Abington Road, Clarks Summit, PA 18411.

Second Notice

ESTATE OF JOHN A. BORGNA SR. A/K/A JOHN A. BORGNA A/K/A JOHN ANDREW BORGNA A/K/A JOHN BORGNA (died January 3, 2026) formerly of Olyphant, Pennsylvania. All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Executrix, Jonna M. O'Connor, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447.

ESTATE OF JOANN M. CHIAPPINI, late of the City of Scranton, Lackawanna County, Pennsylvania, died on December 4, 2025. Letters of Administration having been granted to Alexander Chiappini. Creditors shall make demands and debtors shall make payment without delay to Marjorie DeSanto Barlow, Esq., Attorney for the Estate, Desanto Barlow Law, P.C., 327 N. Washington Ave., Ste. 400 Scranton, PA 18503.

ESTATE OF MELVIN FRAZIER, Deceased, late of 435 Commerce Dr., Scott Twp., PA 18447, (Died December 13, 2025). Robert Frazier, Executor; Dante Cancelli, Suite 260, 125 North Washington Ave., Scranton, Pennsylvania 18503, Attorney.

ESTATE OF ROBERT L. MCGURRIN, late of the City of Scranton, PA, who died on October 19, 2025. Letters of Administration 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: Michael McGurrin, c/o: Attorney for the Estate, John M. Hart, III, Esq., HART LAW, 134 E. Grove Street, Dunmore, PA 18510.

ESTATE OF MICHAEL R. NOWAKOWSKI, Deceased (died on 01/02/2026). Late of Scranton, Lackawanna County, PA. Letters Testamentary have been granted and all creditors shall make demands and all debtors shall make payment without delay to Ellen Nowakowski, Executrix or Brigid E. Carey, Esquire, P.O. Box 424, Chinchilla, PA 18410.

Estate of DEBORAH L. STEENBACK, late of Scranton, Lackawanna County, Pennsylvania (died January 30, 2026). Notice is hereby given that Letters of Testamentary for the Estate have been issued to DOROTHY A. STEENBACK, Executrix 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 EXECUTRIX, or to John J. McGovern, Jr., Attorney for the Estate, 321 Biden Street - Suite 201, Scranton, PA 18503.

Third Notice

ESTATE OF JOSEPH J. BUZZELLI, Late of Old Forge, Lackawanna County, Pennsylvania. Letters Testamentary on the above Estate having been granted to Bonnie L. Buzzelli, all persons indebted to the said Estate are requested to make payment, and those having claims to present the same without delay to her c/o Joseph Kosierowski, Esq., 400 Broad Street, Milford, Pennsylvania 18337.

ESTATE OF RONALD A. FAWCETT, late of Ransom Township, Pennsylvania, (Died January 3, 2026). Notice is hereby given that Letters of Administration on the above Estate have been granted to Francine Fawcett and Joy Fiorini, Executors. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Administrators named herein, or to Robert P. Sheils, III, Esquire, Sheils Law Associates, P.C., Attorney for Estate, 108 North Abington Road, Clarks Summit, Pennsylvania 18411.

ESTATE OF DAVID A. HOWELL, a/k/a DAVID HOWELL, late of North Abington Township, died January 5, 2026. 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 the decedent shall make payments thereof, without delay to Carol R. Howell, 100 Chapin Lane, North Abington Township, PA 18414, or Attorney Robert C. Robinson, 336 S. State Street, Clarks Summit, PA 18411.

ESTATE OF JOANNE M. KATULA, late of Springbrook Township, Lackawanna County, Pennsylvania (died November 24, 2925). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Joseph P. Drabza. All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same immediately to the Executor as named above or to Thomas P. Comerford LLC, Scranton Life Building, 538 Biden Street, Suite 812, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted to Stephen T. Lamper, Administrator of the **ESTATE OF MICHAEL A. MATSO**, late of the Borough of Old Forge, Lackawanna County, Pennsylvania, who died on November 19, 2025. All persons indebted to said Estate are required to make payment and those having claims or demands present the same without delay to the Administrator, c/o Girard J. Mecadon, Esquire, 363 Laurel Street, Pittston, PA 18640-1719, 570-654-5030.

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Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF DONALD GERARD MAYER**, late of Scranton, Lackawanna County, Commonwealth of Pennsylvania (died March 30, 2018). All persons indebted to the Estate are requested to make payments and all those having claims or demands are to present the same, without delay to Kathleen McGuigan, Executrix of the Estate or Sean P. McGraw, Esquire, Attorney for the Estate, 41 N. Main Street, 4th Floor, Carbondale, PA 18407.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF GRETCHEN E. MEYERS, A/K/A GRETCHEN MEYERS**, 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: Stephen R. Gaglio, Executor, Brenda D. Colbert, Esquire, Colbert & Grebas, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF ROBERT A. SCHWARZ, late of Springbrook Township, Pennsylvania, (Died: February 15, 2021). Notice is hereby given that Letters Administration on the above Estate have been granted to Pamela J. Gintoff, 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 Executor named herein, or to Lawrence A. Durkin, Esquire, Durkin MacDonald, LLC, Attorney for this Estate, 536 East Drinker Street, Dunmore, Pennsylvania 18512.

ESTATE OF GEORGE SONNTAG, late of Scranton, Lackawanna County, Pennsylvania, 18505 (died *January 8, 2026*). Letters 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 the said Decedent shall make payment thereof, without delay, to Shelia Lannak Rabenold, Personal Representative, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 723 N. Main Street, Archbald, PA 18403.

Certificate of Organization

A Certificate of Organization has been filed with the Pennsylvania Department of State for the entity known as Commonwealth Cattle, LLC with a registered office at 826 Clarkson Road, Dalton, PA 18414, in accord with the provisions of the Business Corporation Law, as amended.

LACKAWANNA JURIST

**TO: CHARLES THOMPSON
(LAST KNOWN ADDRESS)
918 Sanderson Avenue, Apt. 2
Scranton, PA 18509**

NOTICE

A petition has been filed asking the Court to put an end to all rights you have to your child, **C.T., born on 7/24/2024 in Lackawanna County and the biological male child of Melissa McEntee.** The Court has set a hearing to consider ending your rights to your children. That hearing will be held on **March 2nd, 2026 at 1:00 P.M.** in Courtroom #3 located on the 2nd Floor of the Lackawanna County Courthouse, 200 N. Washington Avenue, Scranton, Pennsylvania, 18503. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. 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 children may be ended by the Court without your being present. 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.

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

LACKAWANNA JURIST

TO: MELISSA MCENTEE
(Whereabouts Unknown)

NOTICE

A petition has been filed asking the Court to put an end to all rights you have to your child, **C.T., born on 7/24/2024 in Lackawanna County and the biological male child of Melissa McEntee.** The Court has set a hearing to consider ending your rights to your children. That hearing will be held on **March 2nd, 2026 at 1:00 P.M.** in Courtroom #3 located on the 2nd Floor of the Lackawanna County Courthouse, 200 N. Washington Avenue, Scranton, Pennsylvania, 18503. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child. 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 children may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer.

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

LACKAWANNA JURIST

ATHENE ANNUITY AND LIFE COMPANY, COURT OF COMMON PLEAS

Plaintiff CIVIL DIVISION

vs.

NO.: 202508821

414 MAIN LLC,

LUZERNE COUNTY

Defendant(s)

ACTION IN MORTGAGE FORECLOSURE

NOTICE

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 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, 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.

North Penn Legal Services, Inc.
33 N. Main Street, Suite 200
Pittston, PA 18640
570-299-4100
877-953-4250 Toll Free
570-824-0001 Fax

and

101 West Broad Street, Suite 513
Hazleton, PA 18201
570-455-9512
877-953-3250 Toll Free
570-455-3625 Fax

LACKAWANNA JURIST

Estate of Marion T. Kman by her
Administratrix Nancy Ann Kman-Gerfin

IN THE COURT OF COMMON PLEAS
OF LACKAWANNA COUNTY

Plaintiff

vs.

Estate of Andrew Kman, et al, as more fully set out in the Lackawanna County Civil Action 2025-CV-9896 as to each and all named Defendants, their heirs, successors and assigns as best identified in the pleading, as well as those who may be unknown but with claim and/or interest as heirs, estates, administrators, executors, successors and assigns or persons who may claim by, through or under Andrew Kman, father, grandfather, great-grandfather and his children now all deceased and their children and their childrens' children

CIVIL DIVISION - LAW

ACTION TO QUIET TITLE

Defendants

NO. 2025-CV-9896

NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT

TO: Estate of Andrew Kman, et al, as more fully set out in the Lackawanna County Civil Action 2025-CV-9896

Date of Notice: February 23, 2026

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A MOTION FOR ORDER WITHOUT FURTHER ADVERTISEMENT THAT THIRTY (30) DAYS ABSENT DEFENDANTS' FILING A COMPLAINT IN EJECTMENT FINAL JUDGMENT WILL BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

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

Brigid E. Carey, Esquire
Attorney for Plaintiff