

JUDICIAL OPINION

CASE NAME AND NUMBER: Marcus v. Hazzouri - 2025 WL 1517238 (Lacka. Co. 2025)

DATE OF DECISION: May 27, 2025

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Michael S. Melnick, Esquire, *Counsel for Plaintiffs*
Melissa A. Dziak, Esquire and Robert J. Aldrich, Esquire, *Counsel for Defendant*

SUMMARY OF OPINION:

A patient sued her former dentist alleging malpractice and lack of informed consent stemming from the negligent installation of contraindicated mini-implants that later had to be removed and replaced with conventional implants. Alleging that the dentist falsely stated that the mini-implants and his dental treatment were "perfect" and "going smoothly," the patient also asserted claims of fraudulent and negligent misrepresentation, as a result of which the patient reportedly was unable to discover her injury and the dentist's negligence until she consulted and treated with a different dental practice. The dentist demurred to the fraudulent and negligent misrepresentation causes of action on the basis that they were duplicative of the patient's malpractice and informed consent claims and were unsupported by separate damages.

Although a plaintiff may recover damages for "pecuniary loss" caused by the justifiable reliance upon a defendant's fraudulent or negligent misrepresentation, the patient alleged that her economic and noneconomic damages attributable to the extraction and replacement of the mini-implants were caused by their negligent insertion without the patient's informed consent. The only alleged consequence of the dentist's representations was the patient's inability to discover that the implants had failed due to the dentist's negligent conduct until the patient sought and received treatment from another dental group. Therefore, the patient's fraudulent and negligent misrepresentation claims were dismissed as legally insufficient due to the absence of resulting damages, but the foregoing statements allegedly made by the dentist remained relevant to any statute of limitations determination under the discovery rule and the fraudulent concealment doctrine.

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CASE NAME AND NUMBER: Vaisakh Menon, Individually, and as Administrator of the Estate of A.M., Deceased, and Priva Thakkar, Individually v. Geisinger Wyoming Valley Medical Center; Geisinger East Mountain Specialty Clinic; Elaine Richards Hercher, CNM; Geisinger Clinic; Geisinger Health System, Lacka. Co. Powell, J. 2024 CV 7436.

DATE OF DECISION: June 23, 2025

JUDGE: Mark Powell

ATTORNEYS INVOLVED: Marion Munley, Mackenzie Wilson, Michael Bereston, *Counsel for Plaintiffs*; Paul Wylam, James Listanski, *Counsel for Defendants, Geisinger Clinic and Elaine Richards Hercher*; Noah Katz, *Counsel for Defendant, Geisinger Wyoming Valley/Geisinger East Mountain Clinic*

SUMMARY OF OPINION:

In a medical malpractice case arising from the death of a full-term newborn, the Court overruled all preliminary objections filed by Defendants Geisinger Clinic, Geisinger Wyoming Valley Medical Center, and Certified Nurse Midwife Elaine Richards Hercher. Plaintiffs, the infant's parents, brought wrongful death, survival, and negligent infliction of emotional distress (NIED) claims following alleged negligent care during late pregnancy and delivery. Defendants challenged the legal sufficiency of the NIED claims, arguing Plaintiffs failed to allege contemporaneous sensory perception of the harm-producing event, as required under *Sinn v. Burd and Bloom v. Regional Medical Center*. The Court disagreed, finding Plaintiffs sufficiently pled a continuous traumatic sequence that included direct observation of the newborn's distress and death. Citing *Neff v. Lasso*, the Court emphasized that sensory perception under Pennsylvania law is not limited to visual observation and includes awareness through experience and presence.

The Court also overruled Defendants' objections regarding lack of specificity in the negligence and agency claims. While Defendants asserted the Complaint was vague and lacked identification of specific negligent acts or individuals, the Court held that under Pennsylvania's fact-pleading standard, Plaintiffs are not required to identify every employee or cite specific hospital policies at the pleading stage. Instead, Plaintiffs' detailed allegations provided adequate notice, and the identities of unnamed agents could be ascertained through discovery. The Court emphasized that in medical negligence cases, defendants typically control the relevant records and personnel information, reinforcing the sufficiency of Plaintiffs' pleadings at this stage.

ESTATE

First Notice

ESTATE OF ALICE M. ALLEN-NAGEL A/K/A ALICE MARIE ALLEN-NAGEL A/K/A ALICE M. ALLEN, late of Covington Township, Lackawanna County, PA (May 2, 2025). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Nicole L. Allen. 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 Timothy B. Fisher II, Esquire, Fisher & Fisher Law Offices LLC, Attorneys for the Estate, 525 Main Street, PO Box 396, Gouldsboro, PA 18424.

NOTICE IS HEREBY GIVEN that Letters of Administration in the **ESTATE OF THERESA GELFAND A/K/A THERESA ESKRA GELFAND**, late of Dickson City, 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 Gina Dubois, Administratrix. Brenda d. Colbert, Esquire Colbert & Grebas, P.C. 210 Montage Mountain Road – Suite A Moosic, PA 18507.

ESTATE OF JOSEPH J. GRANVILLE A/K/A JOSEPH GRANVILLE, late of Scranton Township, Lackawanna County, PA (May 12, 2025). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Elysia Zitzelman. 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 Timothy B. Fisher II, Esquire, Fisher & Fisher Law Offices LLC, Attorneys for the Estate, 525 Main Street, PO Box 396, Gouldsboro, PA 18424.

ESTATE OF DONALD J. JONES, late of Peckville, PA (died November 29, 2023). Letters of Administration having been granted to Daniel Paul Jones. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to Daniel Paul Jones, Administrator 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 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 Executrix named. **ESTATE OF JOSEPH M. LEACH**, late of Scranton, PA. RoseMarie Leach, Executrix; Christopher J. Szewczyk, Esquire, Attorney, 321 Biden Street, Suite 201, Scranton, PA 18503.

ESTATE OF NICHOLAS S. MATTISE, JR., A/K/A NICHOLAS SAMUEL MATTISE, JR., A/K/A NICHOLAS MATTISE, late of the Borough of Jermy, Lackawanna County, Pennsylvania. Date of Death: May 12, 2025. Executrix/Executor: Patricia McMyne and Nicholas S. Mattise. Attorneys: Needle Law, P.C. 240 Penn Avenue – Suite 202, Scranton, PA 18503.

Letters Testamentary have been granted in the **ESTATE OF MARY JEANE MEHNE A/K/A MARY JEAN MEHNE**, late of the Township of Elmhurst, County of Lackawanna, to Linda Burdick, Executrix. 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 Bruce S. Zero, Esquire, Powell Zero Mundy, 527 Linden Street, Scranton, PA 18503.

RE: ESTATE OF THOMAS A MURRIN JR, ESTATE NO. 35-25-00749, late of Dunmore, Lackawanna County, PA (died May 22, 2025). Notice is hereby given that Letters Testamentary for the Estate of Thomas A Murrin Jr have been issued to Thomas Aloysius Murrin III, 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 Thomas Aloysius Murrin III, c/o Atty. Corey D. O'Brien, O'BRIEN LEGAL, 72 Glenmaura National Boulevard, Suite 104, Moosic PA 18507.

ESTATE OF BRIAN J. RICHARDS, late of the Township of Ransom, Lackawanna County, Pennsylvania, died on January 20, 2025. Letters Testamentary having been granted to Carmelita Memolo. Creditors shall make demands and debtors shall make payment without delay to Thomas J. Jones, Jr., Esquire, Attorney for the Estate, Thomas J. Jones, Jr., PC, Jones Building, 410 Biden Street, Suite 301, Scranton, PA 18503.

ESTATE OF ELSIE M. SOPINSKI, late of South Abington Township, Lackawanna County, Pennsylvania (died April 30, 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 one of the Executors, Edward H. Sopinski Jr., 206 Sunnyside Avenue, South Abington Township, PA 18411, Rosemary Snyder, 4410 Main Street, Whitehall, PA 18052, or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, Clarks Summit, Pennsylvania 18411.

ESTATE OF NANCY J. VANDUZER, A/K/A NANCY VANDUZER, late of the Borough of Blakely, Lackawanna County, Pennsylvania (died April 28, 2025). Notice is hereby given that Letters Testamentary have been granted in the above Estate. All persons indebted to said Estate are required to make payment; and those having claims or demands are to present the same without delay to Jeffrey VanDuzer, 46 Hickox Lane, Dalton Pennsylvania 18414 and counsel for the Estate, Nancy M. Barrasse, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF VINCENT P. WIERCINSKI** late of Dickson City, Lackawanna County, Commonwealth of Pennsylvania (died April 20, 2025). 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 Janet Beltrandi, Executrix of the Estate or Jeffrey W. Nepa, Esquire, Attorney for the Estate, 41 N. Main Street, 4th Floor, Carbondale, PA 18407.

Second Notice

ESTATE OF JOSEPH WILLIAM ALBERT, late of Scranton, Lackawanna County, Pennsylvania, died on April 23, 2025. Letters of Administration have been granted to Stephen G. Albert. All persons indebted to said estate are requested to make prompt payment, and all having claims against said estate should present same without delay. Edward A. Monsky – Attorney for the Estate. Munley Law, PC, 227 Penn Avenue, Scranton, PA 18503

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ESTATE OF TINA M. DUTKA A/K/A TINA DUTKA (died May 8, 2025) formerly of Dickson City, 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, Deanna Brown, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447

ESTATE JOHANN EVELY late of Dunmore, Pennsylvania (Died January 21, 2025) Letters Testamentary having been granted to Peggy O'Keeffe a/k/a Margaret O'Keeffe, all persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Matthew P. Barrett, Esquire, 345 Wyoming Avenue, Suite 215 Scranton, PA 18503.

JOSEPH FERRETT, late of Old Forge, Lackawanna County, Pennsylvania, (died May 14, 2025). Notice is hereby given that Letters Testamentary have been issued to John Ferrett, Executor of the Estate. Marianne M. Stivala, Esquire, Cali Law, 103 East Drinker Street, Dunmore, Pennsylvania 18512.

CHRISTOPHER G. GAWRYS, deceased, late of Old Forge, PA (died December 15, 2024). 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 Bridgette Hoffman, Administratrix, or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Biden Street, Scranton, PA 18503-1816.

ESTATE OF GERTRUDE E. GIGLIOTTI, late of Clifton Township, Pennsylvania (died April 29, 2025). Notice is hereby given that Letters of Testamentary on the above Estate have been granted to Donna M. Williard, Roaring Book Twp., Pennsylvania. 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.

ESTATE OF ROBERT JOHN GRIFFITHS, JR aka ROBERT GRIFFITHS, JR, late of the City of Scranton died 06/1/25 Letters of Administration granted to Rory Griffiths and Lindsey Griffiths, Terrence V Gallagher Attorney for the Estate, 416 Jefferson Avenue, Scranton, PA 18510. Letters of Administration have been granted. All persons indebted to the said estate are required to make payment, and those having claims or demands are to present the same without delay to the Administrators name.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF FRANCIS B. KULAS, A/K/A FRANCIS KULAS, A/K/A FRANK B. KULAS, A/K/A FRANK KULAS**, Deceased, 914 Pancoast Street, Dickson City, Lackawanna County, Pennsylvania 18519, who died on April 24, 2025. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Executor, Francis B. Kulas, Jr., or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447. Michael N. Krisa, Esquire, KRISA & KRISA, P.C.

ESTATE OF CAROL GRACE LEE, late of S. Abington Twp, Pennsylvania, died on April 11, 2025. All persons having claims against the Estate shall present same to Executor, Tyler Gatz, c/o Donald W. Jensen, Esquire, 538 Biden Street, Suite 730, Scranton, Pennsylvania 18503.

IN RE: ESTATE OF PATRICIA M. MARION A/K/A PATRICIA MARION, DECEASED, late of Peckville, Pennsylvania, who died on May 21, 2025. 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 Nicholas Burda, Executor, c/o Atty. Lawrence J. Moran, Sr., 116 N. Washington Avenue, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN THAT Letters of Testamentary have been issued in the **ESTATE OF TERESA NAEGELE**, late of Scranton, Pennsylvania. (died May 21, 2025), all persons having claims against the estate to make known to, and all persons indebted to the decedent to make payment without delay, to Ronald Naegele, Executor, or to William T. Jones, Esquire, Attorney for the Estate, 200 Abington Executive Park, Suite 203, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN THAT Letters Testamentary have been granted in the **ESTATE OF JOHN E. PRICCI**, late of South Abington Township, Pennsylvania, (died on April 14, 2025), and all persons indebted to said Estate are requested to make payment, and those having claims to present the sum without delay, to Maureen Pricci, Executrix, or to MINORA, KROWIAK, MUNLEY, BATYKO, 700 Vine Street, Scranton, Pennsylvania 18510, Attorneys for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF MARY JANE SKIES, A/K/A MARY JANE LOMBARDO SKIES**, Deceased, 452 3RD Street, Blakely, Lackawanna County, Pennsylvania 18447, who died on May 8, 2025. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Co-Executrices, Sharon Bochnovich and Sandra Skies-Ludwig, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447. Michael N. Krisa, Esquire, KRISA & KRISA, P.C.

ESTATE OF JANICE HOWELL YOST, late of South Abington Township, Lackawanna County, PA, died February 15, 2025, Administrators, Lisa Martin or Keith Eckstein, or David A. Howell, Attorney for the Estate, 336 South State Street, Clarks Summit, PA 18411.

Third Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF HOLLY KRUSHINSKI, A/K/A HOLLY A. KRUSHINSKI, A/K/A HOLLY ANN KRUSHINSKI**, Deceased, 148 Green Grove Road, Scott Township, Lackawanna County, Pennsylvania 18447, who died on May 11, 2025. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Executrix, Lynn Krushinski, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447. Michael N. Krisa, Esquire, KRISA & KRISA, P.C.

Notice is hereby given that Letters of Administration have been granted in the **ESTATE OF KAY C. OSTROWSKI** late of Clarks Summit, Lackawanna County (died February 12,

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2025) to Susan McAndrew, Michael G. Gallacher, Esquire, Attorney for the Estate, 110 Market Street, Moscow, PA 18444. 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 Representatives named above.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF RICHARD P. ROMANOWSKI late** of Dickson City, Pennsylvania, to Costic Laniewski. Richard Romanowski died on May 15, 2025. All persons indebted to the said estate are required to make payment and those having claims or demands to present the same without delay to the Executor, in care of Comerford Law, Matthew T. Comerford, Esquire, 538 Biden Street, Suite 430, Scranton, Scranton, PA 18503, Attorney for Estate.

RE: ESTATE OF BRUCE SIMONSON, late of Scranton, Lackawanna County, Pennsylvania (died March 20, 2025). Notice is hereby given that Letters Administration for the Estate have been issued to Tamara Souter, 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 John J. McGovern, Jr., Attorney for the Estate, 321 Biden Street - Suite 201, Scranton, PA 18503.

CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on June 17, 2025, Law Offices of Judy Price, L.L.C. filed a Petition for Change of Name in the Court of Commons Pleas of Lackawanna County on behalf of Deborah Lee Dirienzo seeking to change her name from Deborah Lee Dirienzo to Debra Marie Rowinski. A hearing on the Petition has been scheduled for August 22, 2025 at 1:30 p.m., Courtroom A, in the Lackawanna County Government Center, 123 Wyoming Avenue, Scranton, Pennsylvania 18503. All interested persons may appear at that time and place to show cause, if any they have, why the relief sought should not be granted.

CHANGE OF NAME

In the Court of Common Pleas, Lackawanna County, Pennsylvania, Civil Division: In Re: In the Matter of the Petition of L.M.M., a Minor, by Petitioner-Parent, Jaimie M. Mirabelli, f/k/a Jaimie M. Himka, for Change of Name of the Minor Child. Notice is hereby given that on the 18th day of June, 2025, the Petition for Change of Name of Minor Child was filed in the above Court. The Court has fixed the 22nd day of August, 2025, at 1:30PM in Courtroom A before the Honorable Judge Powell at the Lackawanna County Government Center, located at 123 Wyoming Avenue in Scranton, PA 18503 as the time and place for the hearing of said petition for name change, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN of an application for the conduct of a business in Lackawanna County, Pennsylvania under the assumed or fictitious name, style or designation of Name: **L&O Renovations**. Registration was approved by the Department of State of the Commonwealth of Pennsylvania on June 9, 2025. The principal place of business is 1172 Amherst Street, Scranton, PA 18504. Erin Leach-Ogden and David Ogden, Owners and General Partners. June 24, 2025

FICTITIOUS NAME

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on April 29, 2025, for **Pezzi on the Avenue** with a principal place of business located at 135 Wyoming Ave., Scranton, PA 18503 in Lackawanna County. The individual interested in this business is Kristen Schoonmaker, located at 634 S Blakely St Dunmore, PA 18210. This is filed in compliance with 54 Pa.C.S. 311.