

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Ceresko v. Keystone Container Service, Inc., 2019 WL 1542084 (Lacka. Co. 2019)

DATE OF DECISION: April 9, 2019

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Jonathan S. Comitz, Esquire, Jeremy R. Weinstock, Esquire, Rachael Litchman, Esquire, Counsel for Plaintiffs
Mark T. Sheridan, Esquire, Counsel for Defendants, Keystone Container Service, Inc. and Michael A. Depew
Scott J. Tredwell, Esquire, Peter R. Kulp, Esquire, Philadelphia, PA 19103, Counsel for Defendant, Erie Insurance Exchange

SUMMARY OF OPINION:

Six days after plaintiff was involved in an accident with a commercial waste container carrier, she notified her underinsured motorist (UIM) insurer of her demand for UIM benefits, and nine days thereafter and without knowing the liability coverage limits of the tortfeasor, she commenced this action against the tortfeasor and her UIM insurer and sought to recover punitive damages based upon the insurer's alleged bad faith conduct. The insurer filed preliminary objections demurring to the legal sufficiency of the bad faith claim, and alternatively requested severance of the bad faith claim from the UIM contract claim.

Since UIM coverage is not triggered until the tortfeasor's liability coverage has been exhausted, the UIM insurer is entitled to credit the full amount of the available liability coverage in determining its UIM obligation. At the time that plaintiff filed suit, neither plaintiff nor the UIM insurer knew the liability coverage limits, and as of the date of oral argument on the preliminary objections, those liability coverage limits and the applicable credit remained unknown. The modicum of facts alleged in the complaint were insufficient to sustain a bad faith claim under 42 Pa.C.S. § 8371, as a result of which the UIM insurer's demurrer was sustained. However, since the statute of limitations governing that claim had not yet expired and there was a reasonable possibility that the factual deficiency could be cured, plaintiff was afforded the opportunity to amend the complaint to include factual averments stating a cognizable claim for statutory bad faith.

JUDICIAL OPINION

CASE NAME AND NUMBER: Pennsylvania Trust Co. v. Wilkes-Barre Hosp. Co., LLC, 2019 WL 1576484 (Lacka. Co. 2019)

DATE OF DECISION: April 11, 2019

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Matthew A. Casey, Esquire, John Pinto, Esquire, Counsel for Plaintiff
Stuart T. O'Neal, Esquire, M. Sean Maravich, Esquire, Courtney C. Barbacane, Esquire, Counsel for Defendants,
Wilkes-Barre Hospital Company, LLC d/b/a Wilkes-Barre General Hospital, Commonwealth Health Physician
Network, Commonwealth Health Network, and Commonwealth Health Systems
James A. Doherty, Jr., Esquire, Grace Doherty Hillebrand, Esquire, Counsel for Defendants, OB-GYN Associates,
LLC, and John Frye, M.D.
Michael P. Perry, Esquire, Michael O. Pitt, Esquire, Counsel for Defendant, Moses Taylor Hospital

SUMMARY OF OPINION:

This malpractice action alleging obstetrical and neonatal negligence that caused severe brain damage to the minor-plaintiff, the defense economist applied a present discount factor to reduce the amount of plaintiff's projected future medical costs to present value by "using the average rate of return on long-term, high-grade municipal bonds of 4.63% annually." For 80 years, Pennsylvania common law has recognized that damage awards for future medical expenses are not to be reduced to present value. Section 509 of the Medical Care Availability and Reduction of Error (MCARE) Act requires the trier of fact in malpractice actions to make separate verdict findings for future "medical and other related expenses by year" with those expenses being awarded in "periodic payments." Although Section 509 requires "the proportionate share of counsel fees and costs" to be calculated based upon the present value of the future damages for medical expenses for the purpose of deducting those fees and costs from the periodic payments, it does not state that the future medical expenses awarded by the trier of fact are also to be reduced to present value. In contrast, Section 510 of the MCARE Act governing future damages for lost earnings or earning capacity requires those damages to "be reduced to present value based upon the return that the claimant can earn on a reasonably secure fixed income investment." Section 509 does not contain any comparable language providing for the reduction of future damages for medical expenses to present value. Since Pennsylvania case law and Section 509 of the MCARE Act do not permit damage awards for future medical expenses to be reduced to present value by the application of a discount factor, plaintiff's motion *in limine* to bar the defense economist from doing so was granted.

ESTATES

First Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF MARTIN W. BATERIDGE**, Deceased, late of 538 Henry Street, Dickson City, Lackawanna County, Pennsylvania 18519, who died on April 16, 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, Noreen Bateridge Logan, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

In re: **ESTATE OF EUGENE ERNEST BUDZINSKI, A/K/A EUGENE BUDZINSKI**, late of Scott Township, Pennsylvania, 01/30/2019. Letters 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 Eric Budzinski, Personal Representative, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 392 North Main Street, Archbald, PA 18403.

ESTATE OF MARK J. DEANTONIO, late of Carbondale, Pennsylvania (died 01/21/2019). Notice is hereby given that Letters of Administration on the above estate have been granted to Angela M. DeAntonio of Mountain Top, PA 18707, 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.

ESTATE OF RUTH A. DEANTONIO, late of Carbondale, Pennsylvania (died 11/01/2013). Notice is hereby given that Letters of Testamentary on the above estate have been granted to Angela DeAntonio of Mountain Top, PA 18707, 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 Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

In re: **ESTATE OF PAUL DUBEE**, late of Scott Township, Pennsylvania, 05/04/2019. Letters 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 Judith Manasek, Personal Representative, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 392 North Main Street, Archbald, PA 18403.

ESTATE OF JOSEPH D. EBOLI, late of Dunmore, Lackawanna County, Pennsylvania, (died May 1, 2019). Notice is hereby given that Letters of Administration C.T.A., on the estate have been issued to Christopher Eboli, Administrator C.T.A., of the Estate. **MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES**, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

ESTATE OF RICHARD J. EVANS, late of Scranton, Lackawanna County, PA (died April 7, 2019). Notice is hereby given that Letters Testamentary in the above Estate have been issued to Karen Evans Norton, Executrix. Creditors shall present claims and Debtors shall make payments to Karen

Evans Norton c/o Arthur J. Rinaldi, Esquire, Rinaldi & Rinaldi, 2 West Olive Street, Scranton, PA 18508.

RE: **ESTATE OF MARGARET A. FETCH**, late of Taylor, PA, who died April 3, 2019. 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: George Fetch, Jr., Executor, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

ESTATE OF MARY ELIZABETH FRABLE a/k/a LISA FRABLE, deceased, late of 310 Willow Street, Scranton, Lackawanna County, PA 18505. (Died May 5, 2019). Letters of Administration having been granted, creditors shall make demand and debtors shall make payment to Marguerite McLane, Administratrix, or John T. McLane, Attorney, 1208 Schlager Street, Scranton, PA 18504-1547.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF BARBARA C. HARVEY**, Deceased, late of 107 West Street, Eynon, Lackawanna County, Pennsylvania 18403, who died on March 8, 2018. 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, Barbara Cunningham, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

RE: **ESTATE OF JEANNE MARIANI**, late of Scranton, PA, who died May 2, 2019. 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: James Caravelli, Executor, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

ESTATE OF PAUL D. MAOPOLSKI, ESTATE NUMBER 35-2019-704, DECEASED, LATE OF OLD FORGE, LACKAWANNA COUNTY, PA: DIED FEBRUARY 11, 2014. NOTICE IS HEREBY GIVEN THAT LETTERS OF ADMINISTRATION 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 PAULA MAOPOLSKI, AKA PAULA BARCHAK, 2206 SUMMIT POINTE DRIVE, SCRANTON, PA 18508.

ESTATE OF JOHN J. McDERMOTT, late of Scranton, Lackawanna County, PA (died April 15, 2019). Notice is hereby given that Letters Testamentary in the above Estate have been issued to Sasha McLain, Executrix. Creditors shall present claims and Debtors shall make payments to Sasha McLain, c/o Arthur J. Rinaldi, Esquire, Rinaldi & Rinaldi, 2 West Olive Street, Scranton, PA 18508.

ESTATE OF JOHN P. MORGAN, deceased, late of Old Forge, Lackawanna County, Pennsylvania (died April 26, 2019). Letters Testamentary have been granted to Sara Ann (Marta) Morgan, who requests all persons having claims or demands against the Estate of the Decedent to make known the same, and all persons indebted to the Decedent to make payments without delay to: Sara Ann (Marta) Morgan, Executrix c/o Hon. Leonard N. Zito, Florio Perrucci Steinhardt & Cappelli, LLC, 60 West Broad Street, Suite 102, Bethlehem, PA, 18018.

ESTATE OF ELIZABETH A. NARVID, DECEASED, late of 142 EAST STREET, EYNON, PA 18403, (Died

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November 8, 2018) GREGORY B. NARVID, Administrator; Dante A. Cancelli, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

ESTATE NOTICE JOHN D. ORGILL, late of Blakely, Lackawanna County, Pennsylvania, died on August 6, 2018. Notice is hereby given that Letters of Administration on the above estate have been issued to Deborah Orgill, Executrix of the 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 above. JOHN P. NOVAK, ESQUIRE, 429 South Main Street, Suite 10, 1st Floor, Old Forge, Pennsylvania 18518.

ESTATE OF GEORGE SCHAFER, late of Madisonville, Lackawanna County, Pennsylvania (date of death: May 6, 2019). Letters of Administration have been granted in the Estate of George Schafner, Deceased, to Mildred D. Schieber, Administratrix, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters of Testamentary have been granted to Nicholas Mussari of the **ESTATE OF STEPHEN M. STACOVIAK**, late of Olyphant, but formerly of Lackawanna County, Pennsylvania, date of death September 23, 2017. Creditors are to present claims and debtors are to make payments to Anne Marie Howells, Esquire (Attorney for the Estate), 307 West Market Street, Suite #1, Scranton, PA 18508-2783, (570)344-1088.

ESTATE OF DIANE CORBY STOMBAUGH, ESTATE NUMBER 35-2019-710, DECEASED, LATE OF DICKSON CITY, LACKAWANNA COUNTY, PA; DIED APRIL 12, 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 JESSE CORBY, 12 FALLS LANE, BLAKELY, PA. 18447 AND DIANE CORBY TEEVAN, 603 S VALLEY AVENUE, OLYPHANT, PA. 18447.

ESTATE OF GREGORY M. SUCHESKI, AKA GREGORY SUCHESKI, ESTATE NUMBER 35-2019-713, DECEASED LATE OF PECKVILLE, LACKAWANNA COUNTY, PA; DIED APRIL 27, 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 DONNA CONNOR, 2600 KRIEBEL ROAD, HARLEYSVILLE, PA 19438.

ESTATE OF ANTHONY MICHAEL SUSI, SR., late of Scott Township, Pennsylvania (Died March 19, 2019). Letters Testamentary having been granted to Anthony Michael Susi, Jr., and Catherine Kobeski, Co-Executor. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 345 Wyoming Avenue, Suite 200, Scranton, PA 18503.

ESTATE OF MARY V. TRACY, late of Scranton, Lackawanna County, Pennsylvania. Letters of Administration in the above Estate having been granted to the undersigned, all persons indebted to the Estate are requested to make payment, and those having claims to present the same, without delay to: Tracy Whitman, 5 Alpha Street, Scranton, PA 18508. Or to the Attorney: Latisha B. Schuenemann, Leisawitz Heller Abramowitch Phillips, P.C., 2755 Century Boulevard, Wyomissing, PA 19610.

Second Notice

ESTATE OF MARJORIE A. BATTAGLIA, file number 2019-00496, late of Scranton, Lackawanna County, PA (Date of death: 12/02/2016). Fred Battaglia was appointed Executor on April 12, 2019. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ESTATE OF MARK A. BATTAGLIA, file number 2019-00415, late of Scranton, Lackawanna County, PA (Date of death: 12/27/2018). Fred Battaglia was appointed Executor on April 12, 2019. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ESTATE OF PAUL BAZINK, file number 35-17-01280, late of Jermyn, Lackawanna County, PA (Date of death: 10/12/2017). Joseph Bazink was appointed Executor on October 31, 2017. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ESTATE OF GEORGE J. CHERMAK, file number 3519-161, late of Scranton, Lackawanna County, PA (Date of death: 01/17/2019). Joan Yontas was appointed Executrix on February 1, 2019. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ESTATE OF WESLEY J. DION, DECEASED, late of 2309 STAFFORD AVE., SCRANTON, PA 18505, (Died January 18, 2019) MARCIA DION LOUGHMAN, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

ESTATE OF MARGARET GRIFFIN, Deceased (died on 4/7/2019). Late of Carbondale, Lackawanna County, PA. Letters Testamentary have been granted and all creditors shall make demand and all debts shall make payment without delay to SALLY KANE, C/O HARRY T. COLEMAN, ESQUIRE, 41 N. Main Street, Carbondale, PA 18407.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted to Jeremy Jones, Administrator of the **ESTATE OF SHARON JONES a/k/a SHARON P. JONES**, late of Avoca, Lackawanna County, Pennsylvania who died on March 16, 2019. All persons indebted to the Estate are required to make payment and those having claims or demands to present the same without delay to the Administrator in c/o Gregory S. Skibitsky, Jr., Esquire, Skibitsky & Molino, 457 North Main Street, Suite 101, Pittston, PA 18640.

ESTATE OF LORRAINE M. KOLCUN, file number 2018-01527, late of Fell Township, Lackawanna County, PA (Date of death: 12/11/2018). John M. Kolcun was appointed Executor on December 28, 2018. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ESTATE OF GRACE LOUISE LEZINSKI, late of Scott Township. Notice is hereby given that Letters of Administration have been granted by the Register of Wills of Lackawanna County, Pennsylvania, upon the estate of the following named Decedent, and all persons indebted to said estate are requested to make immediate payment, and those having claims against the estate shall make them known without delay to the Co-Administrators, at c/o 135 North George Street, York, PA, 17401. Stephen T. Lezinski and Aimee G. Sweeney, Co-Administrators, CGA Law Firm, PC, Brent C. Diefenderfer.

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RE: **ESTATE OF EDWARD SNELL**, late of Newton Township, Lackawanna County, and State of Pennsylvania, deceased, who died on the 25th day of January, 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 without delay to the Administratrix, Deborah Snell, 421A Powell Avenue, Clarks Summit, PA 18411, or to Mattes & Mattes, P.C., 324 North Washington Ave., Scranton, PA 18503.

ESTATE OF DONNA WYANDT a/k/a DONNA M. WYANDT, late of the Borough of Moosic, Lackawanna County, Pennsylvania, (died August 11, 2018). Notice is hereby given that Letters Testamentary on the above estate have been issued to Charisse D. Kimble and Marc J. Wyandt, Personal Representatives of the Estate. 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 or to Guy N. Valvano, Esquire, 117 W. Drinker Street, Dunmore, PA 18512, Attorney for the Estate.

ESTATE OF SABINE A. YANTORN, file number 2018-00602, late of Olyphant, Lackawanna County, PA (Date of death: 03/28/2018). Danielle F. Lennartz was appointed Administratrix on May 16, 2018. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

Third Notice

ESTATE OF CHARLES BOGDON, late of Scranton, Pennsylvania, (Died: April 29, 2019). Notice is hereby given that Letters Testamentary on the above Estate have been granted to David Boccardo, Executor. All persons indebted to 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.

IN RE: **ESTATE OF SYLVIA MARIE BUCHINSKI a/k/a SYLVIA BUCHINSKI**, late of Dickson City, Pennsylvania, died March 25, 2019. Notice is hereby given that Letters Testamentary, on the above listed Estate to Renee Buchinski. 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 Theresa J. Malski-Pezak, Esquire, 907 Church Street, Jessup, Pennsylvania 18434, Attorney for the Estate.

RE: **ESTATE OF WILLIAM J. CARPENTER**, late of Scranton, PA, who died April 26, 2019. 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: David Carpenter, Executor, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

IN RE: **ESTATE OF SAMUEL R. CHRISTIAN a/k/a SAMUEL CHRISTIAN**, late of Archbald, Pennsylvania, died September 21, 2018. Notice is hereby given that Letters of Testamentary, on the above listed Estate to Rose Marie Christian. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Testatrix named above or to

Theresa J. Malski-Pezak, Esquire, 907 Church Street, Jessup, Pennsylvania 18434, Attorney for the Estate.

ESTATE OF ANNA A. FRANCISCO, late of La Plume Township, Died March 20, 2019, Executor, Neil Montgomery; Danielle M. Mulcahey, Attorney for the Estate, Wright, Reiher and Mulcahey, 148 Adams Avenue, Scranton, PA 18503. Notice is hereby given that Letters Testamentary 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 Executor named.

RE: **ESTATE OF ANN E. LEONE**, late of Scranton, Lackawanna County, Pennsylvania (died February 2, 2018). Notice is hereby given that Letters Testamentary for the Estate of Ann E. Leone have been issued to Jacquelyn Leone, 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 Spruce Street - Suite 201, Scranton, PA 18503.

IN RE: **ESTATE OF JOSEPH PEZAK**, late of Olyphant, Pennsylvania, died October 12, 2016. Notice is hereby given that Letters of Administration, on the above listed Estate to Alice Pezak. 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 above or to Theresa J. Malski-Pezak, Esquire, 907 Church Street, Jessup, Pennsylvania 18434, Attorney for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ROBERT E. PHILLIPS**, Deceased, late of Archbald, Lackawanna County, Pennsylvania, 18403, who died on March 16, 2018 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, Josephine Phillips, or John P. Sanderson, III, Attorney for the Estate – Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF MARTIN REISNER**, Deceased, late of 215 Lane Street, Jessup, Lackawanna County, Pennsylvania 18434, who died on April 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 Executor, Jonathan Bonin, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

Notice is hereby given that Letters Testamentary have been given in the **ESTATE OF ALAN SARE**, late of Scranton, Lackawanna County, Pennsylvania, who died on March 23, 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 Executor, Lewis B. Sare, and his attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

ESTATE OF BILLIE JEAN G. SWARTZ, late of Scranton, Pennsylvania, (Died: September 26, 2018). Notice is hereby given that Letters Administration on the above Estate have been granted to Elaine Rieder and Peter Magnot, Administrators. All persons indebted to said Estate are required to make payment and those having claims to present the same without delay to the Administrators named herein, or to Lawrence A. Durkin, Esquire, Durkin MacDonald, LLC, Attorney for this Estate, 536 East Drinker Street, Dunmore, Pennsylvania 18512.

ARTICLES OF INCORPORATION

Notice is hereby given that **Lexar Industrial Inc.** has filed its Articles of Incorporation with the Pennsylvania Department of State. This notice is given in accordance with 15 Pa. Cons. Stat. Section 1307. This Corporation has been incorporated under the provision of the Pennsylvania Business Corporation law of 1988, and has been formed for the expressed purpose of internet sales within the Commonwealth of Pennsylvania and generally within the United States. The address at which the Corporation will maintain its principal place of business is as follows: Lexar Industrial Inc., 831 Lackawanna Ave, Mayfield PA 18433.

T1-6/7

ARTICLES OF INCORPORATION

M & S Distributors, Inc. hereby gives notice that articles of incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, effective October 1, 1989, as amended.

T1-6/7

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State on May 23, 2019 for **THE DUNMORE AREA EDUCATIONAL FOUNDATION**, pursuant to the provisions of the Pennsylvania Nonprofit Corporation Law of 1988. The Corporation is organized for charitable, literary, scientific, religious and education purposes.

T1-6/7

FICTITIOUS NAME

An application for registration of the fictitious name **BILBLT 1343 sr 107 Nicholson pa 18446** was filed in the dept. of state at Harrisburg Pa. on 3/7/19 pursuant to the fictitious names act 1882-295. The name and address who is a party to the registration is William Evans 1343 sr107 Nicholson Pa. 18446.

T1-6/7

FICTITIOUS NAME

An application for registration of the fictitious name **Sonja Lee Draws, 104 Lake Ave., Greenfield Twp, PA 18407** Lackawanna has been filed in the Department of State at Harrisburg, PA, File Date 04/16/2019 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Sonja L. Propst, 104 Lake Ave., Carbondale, PA 18407.

T1-6/7

CHANGE OF NAME

Notice is given that Nicholas Slone Moore has filed a Petition for a Change of Name to Nicholas Alvin Louis Blitz. A hearing will be held on July 12, 2019 at 9:00 am at the Lackawanna County Courthouse.

T1-6/7

NOTICE

NOTICE OF DETERMINATION OF TITLE TO DECEDENT'S INTEREST IN REAL ESTATE UNDER SECTION 3546 OF PEF CODE

TO: All Persons Claiming Any Legal or Equitable Right, Title, Estate, Lien.

You are hereby notified that Donna Biscontini has filed her Petition for an ORDER adjudging that the title to the decedent, **FRANCES BISCONTINI AKA FRANCESCA BISCONTINI'S** interest in the real estate is in the Petitioner under Section 3546 of Pennsylvania Estates and Fiduciary Code; File No. 19-735, setting forth that she claims interest in the following described parcel of land, to wit:

A vacant parcel of land located in the Borough of Old Forge, Lackawanna County, designated as PIN Number: 184.01-010-026 in the Lackawanna County Tax Assessor's Office. BEING the same premises which The Lehigh Valley Coal Company by deed dated June 1, 1945 conveyed to Frances Biscontini, widow, recorded in Lackawanna County Recorder of Deeds, Deed Book No. 452 at Page 517.

If you wish to respond, you must enter a written appearance personally or by attorney and file your response or objections in writing with the Court within twenty (20) days herefrom. If you fail to do so, the case may proceed without you and an ORDER adjudging that the title to the decedent's interest in the real estate is in the petitioner may issue by Court without further notice for the relief requested by Petitioner.

YOU SHOULD TAKE THIS NOTICE 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 PA. LEGAL SERVICES, INC.
33 North Main Street
Pittston, Pa. 18640
(570) 299-4100

LAWYER REFERRAL SERVICE
Lackawanna Bar Association
233 Penn Avenue
Scranton, Pennsylvania 18503
(570) 969-9161

Attorney name and address:
Donna M. DeVita, Esq.
1209 Marion St.,
Dunmore, Pa. 18509
570-343-9597
T3-6/21