

LACKAWANNA JURIST

LACKAWANNA BAR ASSOCIATION

JUDICIAL OPINION

CASE NAME AND NUMBER: D & S Auto Sales, Inc. v. Commercial Sales & Marketing, Inc., 2020 WL 5047202
(Lacka. Co. 2020)

DATE OF DECISION: August 25, 2020

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Anthony C. Lomma, Esquire, Counsel for Plaintiff
Rebecca Cantor, Esquire, Counsel for Defendant, Valenti Ford, Inc.

SUMMARY OF OPINION:

The purchaser of a self-loader tow truck filed this action against the seller and the Connecticut-based dealership which allegedly performed faulty repairs on the truck, and the dealership filed a preliminary objection asserting lack of personal jurisdiction on the grounds that it was incorporated in Connecticut, maintained its principal place of business in Connecticut, and did not regularly conduct business in Pennsylvania. The purchaser maintained that the dealership's website targeted out-of-state buyers, including Pennsylvania consumers, and also noted that its discovery seeking information concerning the dealership's business activities in Pennsylvania had not yet been answered.

In personal jurisdiction challenges, the defendant bears the initial burden of supporting its objections to jurisdiction by presenting evidence, and the burden of proof shifts to the plaintiff only after the defendant has presented evidence in support of its preliminary objection. When an issue of fact is raised, the court may not decide a jurisdictional dispute based upon its view of the controverted facts, and instead must receive evidence on that issue by way of depositions and discovery responses. If the parties' submissions raise an issue of fact as to the scope of the defendant's activities within the Commonwealth, the plaintiff should be afforded a reasonable period of time in which to conduct discovery and depositions before the court rules on the preliminary objection. Based upon the parties' submissions, the purchaser was granted 60 days within which to conduct personal jurisdiction discovery, and in the event that the parties did not amicably resolve their jurisdictional dispute following the completion of that discovery, they were to submit supplemental briefs so that oral argument could be scheduled with the benefit of an evidentiary record.

ESTATES

First Notice

ESTATE OF LOIS J. DOMBROSKY, ESTATE NUMBER 35-2020-779, DECEASED, LATE OF CARBONDALE, LACKAWANNA COUNTY, PA: DIED JANUARY 18, 2020. 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 MARK W. DOMBROSKY, 40 MANNION AVENUE, CARBONDALE, PA 18407.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF MORGAN W. EVANS**, late of Dunmore, Lackawanna County, (died June 16, 2020) to Ann Marie Evans, Personal Representative. Kevin J. Dempsey, Esquire, Attorney for the Estate, 114-116 North Abington Road, Clarks Green, PA 18411. 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 Representative named above.

ESTATE OF GERALDINE FRANCES KAY aka GERALDINE F. KAY aka GERRY KAY, ESTATE NUMBER 35-2020-786, DECEASED, LATE OF SCRANTON, PA, LACKAWANNA COUNTY, PA: DIED JUNE 15, 2020. 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 DENISE K. OBRIEN, 885 GRAYSTONE CIRCLE, NORTHAMPTON, PA 18067.

ESTATE OF GLADYS MCCALL, late of Clarks Summit, Pennsylvania (died July 31, 2020). Letters of Testamentary have been issued to William McCall, Executor 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 Executor or to Patrick Walsh, Esquire, Attorney for the Estate at 715 N. State Street, Clarks Summit, PA 18411.

ESTATE OF KELLY ANN MCDERMOTT, ESTATE NUMBER 35-2020-777, DECEASED, LATE OF THROOP, LACKAWANNA COUNTY, PA: DIED JANUARY 22, 2020. 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 NICHOLAS J. MCDERMOTT, 134 HARRIET STREET, THROOP, PA 18512.

RE: **ESTATE OF HELEN MILLER**, late of Newton Township, PA, who died May 19, 2020. 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: Donna Burke, Executrix, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

ESTATE OF HELEN KRAYCINOVICH, Estate number 35-2020-685. Deceased, late of Dickson City, Lackawanna County, PA: died June 9, 2020. 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 Catherine O'Donnell, 267 Wyoming Avenue, Kingston, PA 18704.

Notice is hereby given that Letters of Administration have been granted to Michael Anthony Shostek, III, and Michelle Shostek, Administrators of the **ESTATE OF MICHAEL A. SHOSTEK, JR.**, late of Dunmore, PA, who died on June 23, 2020. All persons indebted to Estate are required to make payment and those having claims or demands are to present the same without delay to the Administrators or to Raymond C. Rinaldi, II, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA, 18501.

IN RE: **ESTATE OF ADELE SZYMANSKI**, late of Peckville, PA (Died May 22, 2020). Notice is hereby given that Letters Testamentary on the above Estate have been granted to Robert Szymanski. 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 above or to Eugene Daniel Lucas, Esquire, 801 North Washington Avenue, Scranton, PA 18509.

ESTATE OF CONRAD K. WALSH late of Moosic, Pennsylvania (died July 28, 2020). All creditors are requested to present their claims and all persons indebted to the decedent will make payment to Jessica Segilia Fazzi Executrix; or to John J. Brazil, Jr., attorney for the Estate, 712 Main Street, Suite 1, Moosic, Pennsylvania 18507.

Second Notice

RE: **ESTATE OF MARY KAY BIFANO**, late of Carbondale, Pennsylvania (died August 15, 2020). Notice is hereby given that Letters of Administration for the Estate of Mary Kay Bifano have been issued to Katie Rakaczewski, 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 2912 Musket Road, Kutztown, PA 19530 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

Notice is hereby given that Letters Testamentary have been issued to Mary Alfieri, a/k/a Mary Therese Crowley, in the **ESTATE OF JAMES E. CROWLEY**, who died May 14, 2020, late of Elmhurst Township, Lackawanna County, Pennsylvania. All creditors are requested to present their claims and all persons indebted to the decedent will make payment to the aforementioned Executrix in care of attorneys: Hiscox & Musto, 400 Third Ave., Suite 201, Kingston, PA 18704.

NOTICE IS HEREBY GIVEN THAT Letters of Testamentary have been granted in the **ESTATE OF EMILY F. DESTEFANO, A/K/A EMILY DESTEFANO**, Deceased, late of 335 N. Garfield Avenue, Scranton, Pennsylvania, 18504 (died May 18, 2020), and all persons indebted to said estate are requested to make payment, and those having claims to present the sum without delay, to Ernest DeStefano, and Mary Ann DeStefano Zero, Co-Executors, c/o JOSEPH S. COLBASSANI, ESQUIRE, MINORA, KROWIAK &

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MUNLEY, 700 Vine Street, Scranton, PA 18510, Attorney for the Estate.

ESTATE OF THOMAS A. GALLAGHER, late of Scranton, Pennsylvania (died June 4, 2020). All creditors are requested to present their claims and all persons indebted to the decedent will make payment to John Gallagher or Thomas Gallagher, Executors; or to John J. Brazil, Jr., attorney for the Estate, 712 Main Street, Suite 1, Moosic, Pennsylvania 18507.

ESTATE OF DANIEL J. HARTNETT, JR., deceased, late of Lackawanna County, Pennsylvania, Letters Testamentary have been granted to the undersigned, 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: Joseph J. Hartnett, Executor or to his attorney: Edwin A. Abrahamsen, Jr., Esq., 1006 Pittston Avenue, Scranton, PA 18505.

ESTATE OF JANIS L. HROBUCHAK, late of North Abington Twp., PA (died June 16, 2020). Notice is hereby given that Letters of Administration for the Estate of Janis L. Hrobuchak have been issued to Stephen Hrobuchak, 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.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF CHARLES E. LLEWELLYN, JR.**, Deceased, late of 1619 Archbald Mountain Road, Jefferson Township, Lackawanna County, Pennsylvania 18436, who died on July 22, 2020. 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, Paula Lee Sorg, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE OF ANN M. MCCARTHY, late of Elmhurst, Lackawanna County, Pennsylvania, (died June 28, 2020). Notice is hereby given that Letters Testamentary have been issued to Diane Dougher Thornton, Executrix of the Estate. **MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES**, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted in **ESTATE OF LANCE C. PHILLIPS A/K/A LANCE CARL PHILLIPS**, late of Scranton, died 07/01/2020. 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, to Bruce L. Phillips, 933 Saratoga Road, Berwyn, PA 19312.

ESTATE OF MARY E. THOMAS, late of Springbrook Township, Lackawanna County, PA (died July 26, 2020). 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 Paul V. Conforti, Executor, 35 Harriet Drive, Springbrook Twp., PA 18444, or to Jane M. Carlonas, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 S. Abington Road, PO Box 240, Clarks Summit, PA 18411.

Notice is hereby given that Letters of Administration have been granted in the following Estate. All persons indebted to the Estate are required to make payment and those having claims or demands are required to present the

same without delay to Administrator below: **ESTATE OF DOROTHY A. YERABEK**, late of Old Forge, Pennsylvania, Died July 2, 2020, Margaret Whitbeck, Waverly, Pennsylvania, Administrator; Joseph G. Price, Esquire, Attorney for the Estate, 75 Glenmaura National Boulevard, Moosic, PA 18507.

ESTATE OF FRANCES ZALUSKI A/K/A FRANCES B. ZALUSKI, late of Jefferson Township, PA (died 07/30/2020). Letters Testamentary in the above estate having been granted, all creditors shall make demand and all debtors shall make payment without delay to Christopher Zaluski, Executor, of John E.V. Pieski, Attorney for the Estate, 610 Maplewood Drive, Olyphant Post Office, Dickson City, PA 18447.

Third Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF GERALD ALLARDYCE**, (Date of Death: April 30, 2020) late of Moosic, 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: EILEEN SPERRAZZA, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road - Suite A, Moosic, PA 18507.

ESTATE OF ANN MARIE ARCHIBALD, late of Scranton, PA (died May 29, 2020). Notice is hereby given that Letters of Testamentary for the Estate of Ann Marie Archibald have been issued to Gerald T. Manley, Sr., Executor 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 CATHERINE E. CANNON, late of Dunmore, PA (died 7/28/20) Susan M. Ditchkus and Cynthia A. Frick, Co-Administrators. Paul A. Kelly, Jr., Esq.- Attorney, 201 Lackawanna Avenue, Suite 306, Scranton, PA 18503.

RE: ESTATE OF ANNE M. CONNERY, late of Scranton, Lackawanna County, Pennsylvania (died May 20, 2020). Letters of Administration C.T.A. having been granted, creditors shall make demand and debtors shall make payments to Elizabeth Connery, Administratrix C.T.A. , or Attorney James E. O'Brien, Jr., Scranton Life Building, Suite 610, 538 Spruce Street, Scranton, PA 18503.

RE: ESTATE OF PROSPINE K. DENDE, A/K/A PROSPINE KATHRYN DENDE, late of Scranton, Lackawanna County, Pennsylvania (died July 16, 2020). Notice is hereby given that Letters Testamentary for the Estate of Prospine K. Dende, a/k/a Prospine Kathryn Dende have been issued to Christopher S. Dende and Veronica A. Dende, 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 at 303 Abbey Drive, Clarks Summit, PA 18411 or to Kristen M. Clark, Esquire, Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF GLEN O. FARR, deceased, late of Clarks Summit, Lackawanna County, PA (died June 30, 2020). Notice is hereby given that Letters Testamentary have been granted to Deborah L. Miller, Executrix. 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 Deborah L. Miller, Executrix, 2245 Cherry Hill Road, Clarks Summit, PA 18411.

ESTATE OF LISA M. HARDY, A/K/A LISA HARDY

late of 1837 Clearview Street, City of Scranton, County of Lackawanna and Commonwealth of Pennsylvania, (died October 11, 2016). Letters of Administration having been granted on September 1st, 2017 to: Daniel J. Flynn, Esquire, 526 Hickory Street, Peckville, County of Lackawanna and Commonwealth of Pennsylvania as Administrator. All persons having claims shall present them to the Administrator named above and all persons indebted to decedent shall make payment to: William P. Opell, Jr., Esquire, 109 Shady Lane, Dickson City, PA 18447, Attorney.

ESTATE OF CATHERINE E. HICKEY, late of Scranton, PA (died April 13, 2020). Notice is hereby given that Letters of Testamentary for the Estate of Catherine E. Hickey have been issued to Richard Hickey, Executor 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 CARMELA IANNETTA, late of the City of Scranton, PA (died February 12, 2020) Salvatore Iannetta Administrator, Frederick M. Moose, Jr., Attorney for the Estate, Law Offices of Frederick M. Moose, Jr., 123 East Garfield Ave, Carbondale, PA 18407.

Notice is hereby given that Testamentary Letters have been granted to Vincent J. Lepre of 406 Glenwood St., Mayfield, PA 18433, in the **ESTATE OF DOREEN TYRRELL LEPRE A.K.A DOREEN LEPRE**, late of Mayfield, Lackawanna County, PA, who passed away December 13, 2019. All persons indebted to said Estate are requested to make payment and those having claims or demands to present the same without delay to the Executor named or to the attorney for said Estate: Patrick A. Kane, 960 Scranton/Carbondale Hwy., Archbald, PA 18403.

ESTATE OF JEAN S. MURRIN, late of Scranton, PA (died May 14, 2020). Notice is hereby given that Letters of Testamentary for the Estate of Jean S. Murrin have been issued to Regina Murrin Wisneski, Executrix 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 FLOYD V. PERRY, DECEASED, late of Jefferson Township, Lackawanna County, Pennsylvania, (died June 17, 2020). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

RE: ESTATE OF MARY ANN REGAN, late of Scranton, PA, who died July 10, 2020. 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: Delores R. Dixon, Executrix, or Daniel L. Penetar, Jr., Esquire, 116 North Washington Avenue, Suite 2A, Scranton, PA 18503.

ESTATE OF JOLENE SOKOLOWSKI, late of the Borough of Taylor, Lackawanna County, Pennsylvania, (died February 6, 2020). Letters of Administration were granted to Mildred Godlewski. Creditors present claims and debtors make payments to John P. Pesota, Esquire, Suite 402 SNB Plaza, 108 North Washington Avenue, Scranton, PA 18503.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Pennsylvania Department of State Bureau of Corporations and Charitable Organizations on June 5, 2020, in accordance with the provisions of the Pennsylvania Nonprofit Corporation law of 1988, as Amended, for incorporation of **MAT Assassins, Inc.** as a Pennsylvania Domestic Nonprofit Corporation. The Corporation is organized exclusively for charitable purposes as such purposes are defined by the §501(c)(3) of the Internal Revenue Code (or the corresponding section of any future Internal Revenue Law of the United States). No Part of the net earnings of the Corporation shall inure to the benefit of any individual and no member, director, officer or employee of the Corporation shall receive any pecuniary benefits of any kind except reasonable compensation for services in effecting the corporate purposes. No substantial part of the activities of the Corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, nor shall the Corporation participate or intervene in (including the publishing or distributing statements of) any political campaign on behalf of the candidate for public office.

Jason A. Shrive, Esquire
T1-9/11

CHANGE OF NAME

NOTICE IS HEREBY GIVEN Sandra Amber Leeson has filed a Petition for Change of Name from Sandra Amber Leeson to Amelia Leeson. A hearing will be held on October 30th, 2020 at 9:00 am at the Lackawanna County Courthouse.
T1-9/11

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company, for **SHIBLEY SAYRE , LLC**, a Pennsylvania limited liability company, has been filed and approved by the Department of State, Commonwealth of Pennsylvania, on August 3, 2020, in accordance with the provisions of the Commonwealth of Pennsylvania Limited Liability Company law of 1994, 15 Pa. C.S.A. Section 8901, as amended. The principal place of business is 1003 Summerfield Drive, Dalton, Pennsylvania 18414.

T1-8/28

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN THAT J F Savage Construction Company, INC, 17 Roosevelt Hwy, Carbondale, PA 18407, Lackawanna County, a corporation organized under the laws of the Commonwealth of Pennsylvania, is winding up its affairs pursuant to the Business Corporation Law of Pennsylvania of 1988, and amendments thereto, and will be voluntarily dissolving as a corporation in the Commonwealth of Pennsylvania, upon the filing of the Articles of Dissolution with the Pennsylvania Department of State. Any Creditors or potential claimants should contact Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512. (570)969-2828.

Tellie & Coleman, P.C. T1-9/11