

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Mariotti v. Mariotti Building Products, Inc., 2017 WL 2487945 (Lacka. Co. 2017)

DATE OF DECISION: June 8, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Jeffrey J. Malak, Esquire, Counsel for Plaintiff, Robert A. Mariotti, Sr.
Daniel T. Brier, Esquire, Donna A. Walsh, Esquire, Counsel for Defendant, Mariotti Building Products, Inc.
Eugene C. Kelley, Esquire, David Solfanelli, Esquire, Counsel for Defendants, Eugene L. Mariotti, Louis C. Mariotti, III, Richard F. Mariotti, Paul C. Mariotti, Robert J. Mariotti, Michael A. Mariotti, Louis Mariotti, IV, Gregory Mariotti and Kathleen Mariotti Petty

SUMMARY OF OPINION:

A former member of a family business sued his brothers, children and nephews for breach of an alleged employment agreement, and the parties later stipulated to the appointment of a Master to determine the value of the former member's equity interest in the business, as well as the validity and enforceability of the parties' shareholders' agreement that was in dispute. After plaintiff filed motions with the Master making certain factual representations and seeking relief based upon those assertions, defendants filed a motion with the court, rather than the Master, requesting specific "relief to remedy plaintiff's fraud on the court and litigation abuses." Plaintiff contended that defendants' sanctions request had to be submitted to and decided by the Master, and also denied that he engaged in sanctionable conduct.

Based upon the language contained in the parties' stipulation, the Master was not vested with the authority to entertain defendants' sanctions motion. However, since the relief requested in the defendants' motion impacted directly upon the claims that the parties agreed to submit to the Master, and in order to avoid preemptively deciding or otherwise influencing the Master's determination of those stipulated issues, any ruling on defendants' motion was deferred until such time as the Master had issued his report and recommendation and considered the parties' exceptions thereto as per their stipulation.

JUDICIAL OPINION

CASE NAME AND NUMBER: Brink v. Mallik, 2017 WL 2536854 (Lacka. Co. 2017)

DATE OF DECISION: June 9, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Marion Munley, Esquire, Counsel for Plaintiff
John F. Kent, Esquire, Counsel for Defendant, Satish Mallik, M.D.
Daniel F. Ryan, III, Esquire, Mary Ann Martillotti, Esquire, Counsel for Defendants,
Marian Community Hospital, Maxis Health System, and Catholic Health East
Stuart A. O'Neal, III, Esquire, Anne P. Schmidt, Esquire, Counsel for Defendant,
NHS Human Services, Inc.

SUMMARY OF OPINION:

After the decedent's estate reached a "global" settlement with the defendant-psychiatrist, his employer and the hospital where the mental health treatment occurred, and the parties and their counsel had expressly agreed to execute the standard "full and final release" used by the MCARE Fund, the employer's insurer belatedly objected to the MCARE release on the ground that the release would preclude it from seeking reimbursement from the hospital's insurer for defense counsel fees that the employer's insurer paid on behalf of the uninsured psychiatrist. In response, the hospital filed a petition to enforce the settlement which, per the language of MCARE's release, discharged all claims for "liability, contribution, indemnity or otherwise" in any way connected with the litigation.

It was undisputed that the parties, their counsel and the insurers specifically agreed during the settlement conference to execute MCARE's standard general release in effectuating their settlement. The ordinary meaning ascribed to the language of the release clearly discharged all "claims and demands of whatsoever kind," including "any claims or joinders for sole liability, contribution, indemnity or otherwise...in any way connected with" the lawsuit, and did not except or preserve any indemnity or contribution claim by the employer or its insurer for counsel fees paid to defend the uninsured psychiatrist. To the extent that the employer and its insurer erroneously believed that the agreed-upon release would not affect such a claim, their unilateral mistake cannot serve as a basis for refusing to enforce the release according to its plain terms. Therefore, the hospital's petition to enforce the settlement pursuant to MCARE's general release was granted.

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ESTATES

First Notice

RE: **ESTATE OF VALENTINO PETER CAPOZUCCA** late of Carbondale, Lackawanna County, Pennsylvania (died July 24, 2017). Notice is hereby given that Letters of Administration for the Estate of Valentino Peter Capozucca have been issued to Josephine E. Schiappa, 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 Rear 2401 N. Main Avenue, Scranton, PA 18508 or to Kris E. Fendrock, Esquire, Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF ANNA MARIE JUSTAVE, late of Scranton, PA (died July 30, 2017). Letters of Administration having been granted, all persons having claims shall present them and all persons indebted to decedent shall make payment to Mary Elaine Justave, Administrator, c/o Frank A. Marcin, Attorney for the Estate, 811-813 Mulberry Street, Scranton, PA 18510

ESTATE OF MARGARET M. KENNY, late of Dunmore, Lackawanna County, Pennsylvania (died August 1, 2017). Letters of Administration in the referenced Estate have been granted. All creditors shall make demand, and debtors shall make payment, without delay to Thaddeus J. Kenny, or his Attorney Michael J. Kenny, Esq., 1511 Wyoming Ave., Scranton, PA 18509-2353.

ESTATE OF EDWARD KLOVENSKY, late of Dunmore, PA (died February 7, 2017). Letters of Administration having been granted to James Klovensky. All persons knowing themselves to be indebted to said Estate will make payment immediately, and those having claims will present them for settlement to James Klovensky, Executor, or to: Tullio DeLuca, Attorney for the Estate, 381 N. 9th Avenue, Scranton, PA 18504.

ESTATE OF LOIS LIBBE, A/K/A LOIS W. LIBBE, late of 1300 Morgan Highway, Clarks Summit, Lackawanna County, Pennsylvania (died June 6, 2017). 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 Gretchen Eagen, Executor, PO Box 189, Waverly, Pennsylvania 18471 or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF EDITH R. LOUGHNEY**, 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: VICKIE KOVALCHICK, EXECUTRIX, KEVIN R. GREBAS, ESQUIRE, COLBERT & GREBAS, P.C., 210 MONTAGE MOUNTAIN ROAD- SUITE A, MOOSIC, PA 18507.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF HELEN JOSEPHINE MILUSZUSKY, A/K/A HELEN J. OR HELEN MILUSZUSKY**, Deceased, late of 24 Parkland Drive, South Abington Township, Lackawanna County, Pennsylvania 18411, who died on June 5, 2017. 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, Bernadine McVeigh, or Michael N. Krisa, Attorney

for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakley, Pennsylvania 18447.

IN RE: **JOSEPH MOKAY**, deceased, late of Taylor, Lackawanna County, Pennsylvania, who died August 4, 2013. Letters Testamentary having been granted in said Estate to Joseph J. Mokay, Executor. All persons indebted thereto shall make payment and all creditors shall present their claims without delay to the Law Offices of Jason M. O'Malley, P.C., Michael E. Fiscus, Esq., attorney for the estate, 1205 E. Drinker St., Dunmore, PA 18512.

ESTATE OF DOROTHY ALICE MURPHY, late of Scranton, PA (died June 9, 2017). Letters Testamentary having been granted, all persons having claims shall present them and all persons indebted to decedent shall make payment to Mariann Moran, Executor, c/o Frank A. Marcin, Attorney for the Estate, 811-813 Mulberry Street, Scranton, PA 18510.

RE: **ESTATE OF RICHARD D. PENCEK**, late of Benton Township, Pennsylvania (died March 6, 2017). Notice is hereby given that Letters Testamentary for the Estate of Richard D. Pencek have been issued to Richard C. Pencek, 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 the Executor at 122 S. Lackawanna Trail – P.O. Box 39, Dalton, Pennsylvania 18414 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 granted to Josephine Soprano, Executrix of the **ESTATE OF ANGELO E. SOPRANO**, late of Old Fore, PA, who died on April 28, 2017. 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 Executrix or to Raymond C. Rinaldi, II, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA, 18501.

ESTATE OF GLADYS M. QUINN, late of Clarks Summit Borough, PA (died November 2, 2016), Molly J. Philbin, Executrix; David L. Haldeman, Esq., Attorney for the Estate, 1134 Lackawanna Trail, Clarks Summit, PA 18411.

Second Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary (Letters of Administration) have been granted to Karen Coleman. Executrix of the **ESTATE OF PETER JOSEPH COLEMAN A/K/A PETER J. COLEMAN, JR.**, late of Throop, Lackawanna County, Pennsylvania, who died on June 16, 2017. All persons indebted to said Estate are required to make payment and those having claims to present the same without delay to the Executrix or to Michael F. Cosgrove of Haggerty Hinton & Cosgrove LLP, 203 Franklin Avenue, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary (Letters of Administration) have been granted to Charles J. Donachie. Executrix of the **ESTATE OF MARGARET R. DONACHIE**, late of Scranton, Lackawanna County, Pennsylvania, who died on July 14, 2017. All persons indebted to said Estate are required to make payment and those having claims to present the same without delay to the Executrix or to Michael F. Cosgrove of Haggerty Hinton & Cosgrove LLP, 203 Franklin Avenue, Scranton, PA 18503.

ESTATE OF ROBERT A. GALLETTI, Late of the Old Forge Borough, PA (DIED February 7, 2017), Kathleen A. Galletti, Administratrix, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA. 18507-1017.

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ESTATE OF ALLAN ANDREW GLASS, late of Scranton, Pennsylvania (died July 7, 2017). Notice is hereby given that Letters Testamentary have hereby been granted to Miriam R. Bundy, Executrix. All persons indebted to the Estate are requested to make payment, and those having claims or demands to present same without delay to the Executrix, or to Edward A. Monsky, Esquire, Fine, Wyatt & Carey, P.C., 425 Spruce St. 4th Fl, Scranton, PA 18503, attorneys for the Estate.

ESTATE OF GERARD GOLDBLATT, DECEASED, late of 7 CHATHAM HILL CIRCLE, S. ABINGTON TOWNSHIP, PA 18411, (Died JUNE 24, 2017). MARILYN DELLA VALLE, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF DIANE HORVATH**, late of Scranton, Lackawanna County, Pennsylvania. 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, James R. Horvath, Jr., 1202 Middleline Road, Ballston Spa, NY 12020-2928 or Armand E. Olivetti, Jr., Attorney for the Estate, 201 Franklin Ave., 3rd Fl., Scranton, PA 18503.

ESTATE OF ROMONA A. HUGHES, late of the City of Scranton, County of Lackawanna, and Commonwealth of Pennsylvania. Deceased. Whereas, Letters Testamentary in the above-named estate have been granted to Colin W. Hughes, Executor of the Estate of Romona A. Hughes. All persons indebted to the said estate are requested to make immediate payment, and those having claims or demands to present the same without delay to: Colin W. Hughes, Executor, c/o Goudsouzian & Associates, 2925 William Penn Highway, Suite 301, Easton, PA 18045-5283.

ESTATE OF MILDRED C. KLINE A.K.A MILDRED CATHERINE KLINE, Late of Dalton, Pennsylvania (Died July 14, 2017). Letters Testamentary having been granted to Ben Kline, M.D, 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, 415 Wyoming Avenue, Scranton, PA 18503.

RE: ESTATE OF RICHARD C. MARQUARDT, late of Waverly, Pennsylvania. Letters of Testamentary in the above estate having been granted, creditors shall make demand and debtors shall make payment to Sarah W. Marquardt, Box 26, Waverly, PA 18471, Executrix, or to James W. Reid, Esquire, Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

ESTATE OF MARIEN L. McDONALD, late of Dunmore, PA (died May 16, 2017). Notice is hereby given that Letters of Testamentary for the Estate of Marien L. McDonald have been issued to Thomas McDonald and Maureen J. Mahoney, Executors 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 R. MECCA, late of Dunmore, Lackawanna County, Pennsylvania, (died November 26, 2016). Notice is hereby given that Letters Testamentary on the above estate have been issued to Carmel Dougherty, Executrix of the Estate. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

ESTATE OF EVELYN POWELL, A/K/A EVELYN D. POWELL, late of 1156 Reynolds Avenue, Taylor,

Pennsylvania (died on June 23, 2017) Diane Foley, Executrix; Robert P. Browning, Esquire, of Oliver, Price & Rhodes, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

RE: ESTATE OF DELORES REBAR late of Olyphant, Lackawanna County, Pennsylvania (died April 29, 2017). Notice is hereby given that Letters Testamentary for the Estate of Delores Rebar have been issued to Stephen M. Rebar, 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 the Executor at 101 Shady Lane Drive, Dickson City, PA 18519 or to Robert T. Kelly, Jr., Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF LEONARD A. RUANE, JR., late of Scranton, Lackawanna County, Pennsylvania, (died April 3, 2017). Notice is hereby given that Letters Testamentary on the above estate have been issued to Catherine DelSerra, Executrix of the Estate. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

RE: ESTATE OF MARGARET J. SCOTT late of Scranton, Lackawanna County, Pennsylvania (died July 18, 2017). Notice is hereby given that Letters Testamentary for the Estate of Margaret J. Scott have been issued to Richard J. Scott, Jr., 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 the Executor at P.O. Box 107, Portland, PA 18351 or to Kris E. Fendrock, Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF JOSPEH WOZNIAK A/K/A JOSEPH J. WOZNIAK, late of the Borough of Olyphant, Lackawanna County, Pennsylvania, (died July 5, 2017). Letters Testamentary were granted to Robert Santagato. Creditors present claims and debtors make payments to John P. Pesota, Esquire, Suite 702 SNB Plaza, 108 North Washington Avenue. Scranton, Pa. 18503.

ESTATE OF SIBYL ZANGARDI, late of Moscow, PA (died May 24, 2017). Notice is hereby given that Letters of Testamentary for the Estate of Sibyl Zangardi have been issued to John J. Zangardi, Jr., 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.

Third Notice

ESTATE OF DONALD BECKER, Late of Dunmore, Pennsylvania, Lackawanna County, PA died May 18, 2017. Notice is hereby given that Letters of Administration on the above estate have been granted to Linda Muracco. All persons indebted to this Estate are required to make payment and those having claims to present the same without delay to the Administratrix named herein or to BARRETT LAW, LLC, 345 Wyoming Avenue, Suite 215, Scranton, PA 18503.

RE: ESTATE OF PETER F. CHIAPPINI, late of Scranton, Lackawanna County, Pennsylvania (died May 17, 2017). Notice is hereby given that Letters Testamentary for the Estate of Peter F. Chiappini have been issued to Barbara Chandrinos, 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

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the Executrix at 408 4th Street, Dunmore, PA 18512 or to Robert M. Buttner, Esquire, attorney for the Estate, 108 N. Washington Ave., Ste. 700, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ROBERT K. DEE**, late of Jefferson Township, Lackawanna County, Pennsylvania who died June 27, 2017. 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 Robert K. Dee, Jr., Executor, 1616 Jefferson Avenue, Dunmore PA 18509 or Robert H. Sayers, 811-813 Mulberry Street, Scranton, Pennsylvania, Attorney for the Estate

RE: ESTATE OF DONALD R. MAY, Late of Clarks Summit, Pennsylvania (died May 27, 2017). Notice is hereby given that Letters Testamentary for the ESTATE OF DONALD R. MAY, have been issued to LORI J. MAY and SANDRA L. COYER, Co-Executrices 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-Executrices, or to MICHAEL C. COWLEY, COWLEY LAW OFFICES, LLC, Attorney for the Estate, 114 North Abington Road, Clarks Green, PA 18411.

RE: ESTATE OF JAMES M. MCANDREW, late of Carbondale, Lackawanna County, Pennsylvania (died June 4, 2017). Notice is hereby given that Letters of Administration for the Estate have been issued to Lawrence J. McAndrew, 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, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street – Suite 201, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been issued to Helen Tansley, Executrix of the **ESTATE OF HELEN O'DELL**, Deceased, who died June 24, 2017, late of Old Forge Borough, Pennsylvania. All persons indebted to the Estate are required to make payment and those having any claims or demands to present the same without delay to the Executrix in care of the undersigned. Bregman & Lantz LLC, 1205 Wyoming Avenue, Forty Fort, PA 18704.

RE: ESTATE OF MARY ELIZABETH OSBOURNE late of Scranton, Lackawanna County, Pennsylvania (died June 20, 2017). Notice is hereby given that Letters Testamentary for the Estate of Mary Elizabeth Osborne have been issued to Teresa Osborne, 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 the Executor at 631 Herbert Street, Scranton, PA 18505 or to Robert T. Kelly, Jr., Attorney for the Estate, Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

Estate of **THOMAS J. QUINN**, late of Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Amy Quinn, 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 ALBERT J. STAFFARONI, DECEASED (died on 04/12/2017). Late of 207 Seymour Avenue, Scranton, Lackawanna County, PA. Letters Testamentary have been granted and all creditors shall make demand and all debtors shall make payment without delay to ROBERT J.

STAFFARONI, EXECUTOR, or BRIGID E. CAREY, ESQUIRE, PO Box 4466, Scranton, PA 18505-6466.

FICTITIOUS NAME

NOTICE IS HEREBY GIVEN that Eric W. Waddell, 304 E. Elm St., Apt 4, Dunmore, Pennsylvania, has filed with the Secretary of the Commonwealth on June 16, 2017, the Registration of the Fictitious Name "**Integrity Chimney**". The principal place of business address is 304 E. Elm St., Apt 4, Dunmore, Pennsylvania.

T1- Aug 18

CHANGE OF NAME

IN RE: CHANGE OF NAME OF JAMES NICHOLAS BULLARO, IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY NO. 2017 CV 3963. Notice is hereby given that on the 18th day of July, 2017, the Petition for James Nicholas Bullaro, was filed in the above-named Court, requesting an Order to change the name James Nicholas Bullaro, to Susan Marie Bullaro. The Court has fixed the 25th day of August, 2017 at 9:00 A.M., in the Lackawanna County Courthouse, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted by the court.

T1- Aug 18

NOTICE

NOTICE IS HEREBY GIVEN that Holly Cantelmo and Philip Cantelmo have filed a Petition for Involuntary Relinquishment of Parental Rights with the Court of Common Pleas of Lackawanna County to Docket No. A-37-2017 requesting an Order/Decree for the adoption of minor child G.I.E be granted.

The Court has scheduled a hearing on the Petition for September 20, 2017 at 10:00 a.m. at the Lackawanna County Courthouse, 200 North Washington Avenue, Courtroom 6, Scranton, Pennsylvania, as the time and place for hearing on said Petitions, when and where all parties may appear and show cause as to why the request of the Petitioners should not be granted. You are warned that if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have the right to be represented by this hearing by an attorney.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service
Lackawanna Bar Association
233 Penn Avenue
Scranton, PA 18503
(570)969-9600

T1- Aug 18