

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: *Roth v. Angel Gonzalez, John Doe Driver, John Doe Owner, Nationwide General Insurance Company, 2025-CV-06170*

DATE OF DECISION: February 19, 2026

JUDGE: Mark Powell

ATTORNEYS INVOLVED: Bradley Moyer, Esquire, *Attorney for Plaintiff*
William Courtright, Esquire, *Attorney for Defendant Angel Gonzalez*
G. Christopher Parrish, Esquire, *Attorney for Nationwide and Nationwide General Insurance Company*

Summary of Opinion:

This action arises from an August 11, 2023 motor vehicle collision on Interstate 81 North in Hanover Township, Pennsylvania. Plaintiff Christopher Roth was traveling in the left lane and slowed for traffic when Defendant Angel Gonzalez and an unidentified driver collided behind him, lost control, and Gonzalez's vehicle struck Roth's vehicle from the rear, causing serious injuries. The unidentified driver fled the scene. Plaintiffs Christopher and Jennifer Roth filed suit asserting negligence and punitive damages claims against Gonzalez and the unknown driver and owner, and a breach of contract claim against Nationwide General Insurance Company seeking uninsured/underinsured motorist (UIM) benefits, alleging the tortfeasors' liability coverage is insufficient to fully compensate their losses.

Nationwide filed preliminary objections seeking to sever the negligence claims from the UIM contract claim pursuant to Pa.R.Civ.P. 213(b), arguing misjoinder and prejudice under Pennsylvania Rule of Evidence 411. Gonzalez filed preliminary objections seeking to strike the punitive damages claim, asserting the complaint failed to allege reckless or wanton conduct. The court conducted argument and addressed both objections.

The complaint alleges the defendants operated their vehicles at a high rate of speed, failed to maintain an assured clear distance, and failed to observe stopped or slowing traffic despite knowing such conduct could cause a collision. Plaintiffs assert this reckless operation caused the violent impact and resulting injuries. Plaintiffs also allege they maintained an insurance policy with Nationwide providing UIM coverage, complied with policy terms, and Nationwide failed to offer prompt payment.

Applying Pennsylvania's fact-pleading standards, the court noted that at the preliminary objection stage all well-pled facts and reasonable inferences must be accepted as true, and dismissal is appropriate only if recovery is clearly impossible.

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The court held joinder of the tort and UIM claims is proper under Pa.R.C.P. 2229(b). The claims arise from the same occurrence and involve common factual questions including negligence, causation, and damages. Consolidation promotes judicial economy, avoids duplicative discovery, prevents inconsistent verdicts, and affords complete relief in one action. Nationwide's argument that severance is required because it is not jointly liable with the tortfeasors was rejected; the rule permits joinder where liability may be separate or alternative, and Nationwide's obligation may arise if damages exceed the tortfeasors' coverage.

The court also rejected Nationwide's prejudice argument under Pa.R.E. 411. Pennsylvania appellate courts recognize that mention of insurance is not inherently prejudicial and may be admitted when relevant for purposes other than proving negligence. Trial courts may manage references to insurance, and practical realities suggest jurors are aware insurance often exists in motor vehicle cases. Balancing efficiency and fairness, the court concluded joinder does not violate Rule 411 and overruled Nationwide's objections.

Regarding punitive damages, the court held the complaint sufficiently alleges reckless indifference to the safety of others. Plaintiffs claim Gonzalez drove at high speed, followed too closely, failed to observe stopped traffic, and caused a violent rear-end collision. While each allegation alone might suggest negligence, collectively they could support a finding of conscious disregard of a known risk. Pennsylvania law permits recklessness to be averred generally, and courts routinely deny motions to dismiss punitive damage claims at the pleading stage when such facts are alleged. Accepting the allegations as true, a factfinder could conclude Gonzalez appreciated the risk and disregarded it.

Accordingly, the court overruled Nationwide's preliminary objections seeking severance and Gonzalez's preliminary objections to the punitive damages claim, allowing all claims to proceed.

Judge Mark Powell

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ESTATE

Second Notice

First Notice

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

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

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

ESTATE OF ROBERT L. MCGURRIN, late of the City of Scranton, PA, who died on October 19, 2025. Letters of Administration in the above Estate having been granted, all persons having claims or demands against the Estate of the decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to: Michael McGurrin, c/o: Attorney for the Estate, John M. Hart, III, Esq., HART LAW, 134 E. Grove Street, Dunmore, PA 18510.

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

Estate of DEBORAH L. STEENBACK, late of Scranton, Lackawanna County, Pennsylvania (died January 30, 2026). Notice is hereby given that Letters of Testamentary for the Estate have been issued to DOROTHY A. STEENBACK, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the EXECUTRIX, or to John J. McGovern, Jr., Attorney for the Estate, 321 Biden Street - Suite 201, Scranton, PA 18503.

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

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

ESTATE OF DAVID A. HOWELL, a/k/a DAVID HOWELL, late of North Abington Township, died January 5, 2026. Letters Testamentary in the above Estate having been granted, all persons having claims or demands against the Estate of the decedent shall make them known and present them, and all persons indebted to the decedent shall make payments thereof, without delay to Carol R. Howell, 100 Chapin Lane, North Abington Township, PA 18414, or Attorney Robert C. Robinson, 336 S. State Street, Clarks Summit, PA 18411.

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

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

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

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NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF GRETCHEN E. MEYERS, A/K/A GRETCHEN MEYERS**, late of the City of Scranton, Lackawanna County, Pennsylvania, have been granted to the undersigned. All persons indebted to said Estate are required to make immediate payment and those having claims shall present them for settlement to: Stephen R. Gaglio, Executor, Brenda D. Colbert, Esquire, Colbert & Grebas, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF ROBERT A. SCHWARZ, late of Springbrook Township, Pennsylvania, (Died: February 15, 2021). Notice is hereby given that Letters Administration on the above Estate have been granted to Pamela J. Gintoff, Administrator. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Executor named herein, or to Lawrence A. Durkin, Esquire, Durkin MacDonald, LLC, Attorney for this Estate, 536 East Drinker Street, Dunmore, Pennsylvania 18512.

ESTATE OF GEORGE SONNTAG, late of Scranton, Lackawanna County, Pennsylvania, 18505 (died *January 8, 2026*). Letters in the above Estate having been granted, all persons having claims or demands against the Estate of the Decedent shall make them known and present them, and all persons indebted to the said Decedent shall make payment thereof, without delay, to Shelia Lannak Rabenold, Personal Representative, or to Joseph S. Toczydlowski, Jr., Esquire of the Toczydlowski Law Office, 723 N. Main Street, Archbald, PA 18403.

Third Notice

ESTATE OF MILDRED CAPWELL a/k/a MILDRED A. CAPWELL, late of Clarks Summit, County of Lackawanna, and State of Pennsylvania, deceased, who died on the 24th day of December, 2025. Letters of Administration having been granted to File No. 35-26-00098, 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 Jennifer Capwell Lockhart, 309 Bluebell Court, Exeter, PA 18643, or to Mattes & Mattes, P.C., 201 West Main Street, P.O. Box 222, Dalton, PA 18414.

ESTATE OF WILBUR E. CARBAUGH, Deceased, of 515 Parallel Drive, Scranton, PA 18504, died on January 21, 2025. 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 payment; and those having claims or demands are to present the same without delay to Colleen Brooks, Administrator, 415 S. Main Street, Taylor, PA 18517, and Attorney Paul G. Batyko III, 700 Vine Street, Scranton, PA 18510, 570-510-2503 (phone), pbatyko@batykolaw.com (email), 570-392-9044 (fax).

ESTATE OF CLAIRE CARVALHO, late of Scranton, Pennsylvania (died December 8, 2020). Letters of Administration in the above Estate 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 Estate shall make payment thereof without delay to May Jane Yevics of Advocacy Alliance, Administrator, 846 Jefferson Avenue, P.O. Box 1368, Scranton, Pennsylvania 18501, or to Kimberly Kost Scanlon, Esquire, Oliver, Price & Rhodes, Attorneys for the Estate, 1212 South Abington Road, Clarks Summit, Pennsylvania 18411.

NOTICE IS HEREBY GIVEN, that Letters Testamentary have been issued in the **ESTATE OF MAE J. CIANFICHI, a/k/a MAE CIANFICHI**, who died on December 6, 2025, late resident of Moscow Borough, Lackawanna County, Pennsylvania, to Mark R. Cianfichi, Executor, c/o Howell Moran PLLC, Mary O. Moran, Attorney for the Estate, at 109 Ninth Street, Honesdale, PA 18431.

NOTICE IS HEREBY GIVEN that Letters Testamentary were granted to Robert C. Coleman, in the **ESTATE OF MARY ELLEN COLEMAN**, late of Old Forge Borough, Lackawanna County, Pennsylvania, who died on December 21, 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 Estate's counsel named below: Edwin A. Abrahamsen, Esquire, Abrahamsen, Conaboy & Abrahamsen, P.C., 255 E/ Grove St., 2nd Fl., Clarks Summit, PA 18411.

ESTATE OF ROBERT A. GERRITY, late of South Abington Township, Lackawanna County, PA (January 12, 2026). Letters Testamentary granted to MIRIAM C. O'MALLEY; all persons indebted thereto shall make payment and all creditors shall present their claims without delay to them c/o Paul Keeler, Esq., 415 S. State St., Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF JOAN M. KRUPSKI, a/k/a JOAN MARCELLA KRUPSKI**, late of Scranton, Lackawanna County, Pennsylvania, who died December 6, 2018. All persons indebted to said Estate are requested to make payment and all those with claims or demands are to present the same to the Executor, Alex Krupski, in care of his attorney: c/o Eric N. Mahler, Esquire, Mahler Law Firm, LLC, 1043 Wyoming Avenue, 1st Floor, Forty Fort, PA 18704.

NOTICE IS HEREBY GIVEN, that Letters Testamentary have been granted to Amy Dougan, Executrix in the **ESTATE OF JOAN T. MAZEITIS**, late of South Abington Township, Lackawanna County, Pennsylvania, who died on November 19, 2025. All persons indebted to said Estate are requested to make payment and those having claims or demands to present the same without delay to Amy Dougan, Executrix, c/o Stephen B. Killian, Esquire, 575 Pierce Street, Suite 303, Kingston, Pennsylvania, 18704.

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ESTATE OF CINDY L. NOLL, late of Dalton, Lackawanna County, Pennsylvania (died January 10, 2026). Letters of Administration in the above Estate 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 Estate shall make payment thereof without delay to Herbert C. Noll, Jr., Administrator, or to Virginia S. Barrett, Esquire, Oliver, Price & Rhodes, Attorneys for the Estate, 1212 South Abington Road, Clarks Summit, Pennsylvania 18411.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted to Robert J. Noto in the **ESTATE OF ROBERT F. NOTO**, late of Dunmore, PA (died October 22, 2025). All persons indebted to said Estate are requested to make payment, and creditors to present their claims without delay to the Executor c/o Ernest A. Sposto Jr., Esq., 108 North Washington Avenue, Suite 401, Scranton, PA 18503, Attorney for the Estate.

ESTATE OF RICHARD A. SHRUBA, JR., late of Scranton, Lackawanna County, Pennsylvania (died January 6, 2026). 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 Comonie, Executor, 111 Garfield Ave, Olyphant, PA 18447 or to Jenna Kraycer Tuzze, of Oliver, Price & Rhodes, LLP, Attorney for the Estate, 1212 South Abington Road, Clarks Summit, Pennsylvania 18411.

ESTATE OF JOHN G. SNELL, late of Throop, Pennsylvania, died on December 26, 2025. All persons having claims against the Estate shall present same to Executor, Kyle Burak, c/o Donald W. Jensen, Esquire, 538 Biden Street, Suite 730, Scranton, Pennsylvania 18503.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF GILBERTO TORRES**, late of Old Forge, Lackawanna County, Commonwealth of Pennsylvania (died September 28, 2021). All persons indebted to the Estate are requested to make payments and all those having claims or demands are to present the same, without delay to Carmen Torres, Administratrix of the Estate or Sean P. McGraw, Esquire, Attorney for the Estate, 41 N. Main Street, 4th Floor, Carbondale, PA 18407.

Change of Name

In the Court of Common Pleas, Lackawanna County, Pennsylvania, Civil Division: In Re: In the Matter of the Petition of Lisa Marie John for Change of Name to Lisa Maire McDonald. Notice is hereby given that on February 17, 2026, the Petition for Change of Name was filed in the above Court, requesting an Order to change Petitioner's name to Lisa Marie McDonald. The Court has fixed the 26th day of April, 2026, at 1:30 p.m. in Courtroom A 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.

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LEGAL NOTICE

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| TULLIO DELUCA, ESQUIRE | : | IN THE COURT OF COMMON PLEAS |
| 381 N. 9th Avenue | : | OF LACKAWANNA COUNTY |
| Scranton, PA 18504 | : | |
| PLAINTIFF | : | CIVIL ACTION - LAW |
| | : | |
| VS. | : | JURY TRIAL DEMANDED |
| | : | |
| ERIC CIGNA | : | |
| 130 Throop Street | : | |
| Scranton, PA 18508 | : | CASE NO: 2023-CV-3365 |
| DEFENDANT | : | |

You are hereby notified that on August 15, 2023 Plaintiff, Tullio Deluca, Esq., filed a complaint for attorney fees endorsed with a Notice to Defend, against you in the Court of Common Pleas of Lackawanna County, docketed to No. 2023-CV-3365. Wherein Plaintiff seeks recovery of attorney fees owed to him.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Northern Pennsylvania Legal Services
33 N. Main Street
Pittston, PA 18640
570-299-4100

AND

Lackawanna County Bar Association
233 Penn Ave,
Scranton, PA 18503
570-969-9161

Pennsylvania Lawyer Referral Service
1-800-692-7375