

# FAYETTE LEGAL JOURNAL

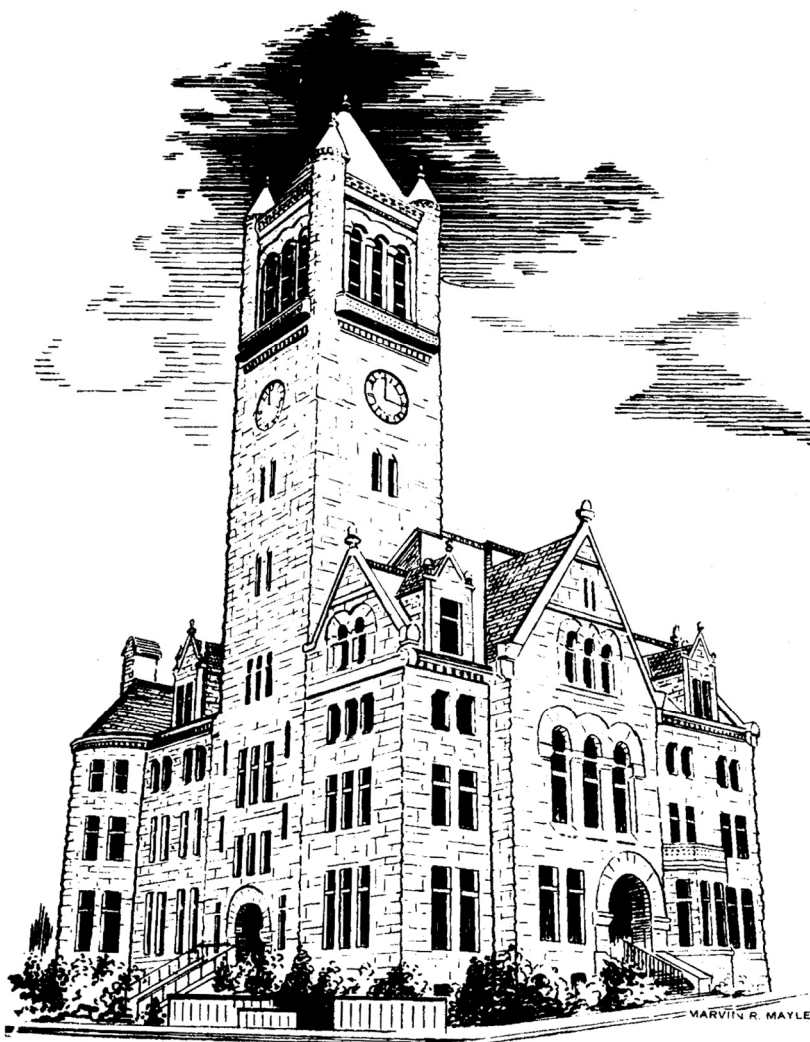
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## FAYETTE LEGAL JOURNAL

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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**ROSE MARIE ADAMSKY**, late of Dunbar, Fayette County, PA (3)

*Executrix:* Judith Lynn Chappel  
136 Rinehart Lane  
Waynesburg, PA 15370  
c/o 54 South Washington Street  
Waynesburg, PA 15370  
*Attorney:* David Pollock

**CAROLYN CICIRETTI, a/k/a CAROLYN J. CICIRETTI**, late of Dunbar Township, Fayette County, PA (3)

*Executrix:* Jeananne M. Collins  
791 Homestead Avenue  
Scottdale, PA 15683  
c/o Tremba Kinney Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**JANET I. DANIELS**, late of Ohiopyle, Fayette County, PA (3)

*Co-Executrices:* Brenda L. Lear and Vicki Hayden  
c/o 45 East Main Street, Suite 400  
Uniontown, PA 15401  
*Attorney:* Charles C. Gentile

**KRISTEN GEEHRING**, late of South Connellsville, Fayette County, PA (3)

*Administrator:* Travis C. Scanner  
10369 Madison Avenue  
Irwin, PA 15342  
c/o Lupetin & Unatin, LLC  
Grant Building  
310 Grant Street, Suite 3204  
Pittsburgh, PA 15219  
*Attorney:* Gregory Unatin

**ANNA BARBARA KELLY**, late of German Township, Fayette County, PA (3)

*Administratrix:* Barbara Ann Gibel  
c/o Monaghan & Monaghan  
57 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary D. Monaghan

**DAVID MATTHEWS**, late of Uniontown, Fayette County, PA (3)

*Administrator:* Zachary Matthews  
262 Weavers Road  
Greensburg, PA 15601

**MARVIN MCCORMICK, a/k/a MARVIN MCCORMICK**, late of South Union Township, Fayette County, PA (3)

*Executor:* Tammy Yekel  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

### Second Publication

**RALPH KEVIN BUCCI**, late of Belle Vernon, Fayette County, PA (2)

*Executrix:* Dianne Lee Bucci  
c/o Julian Gray Associates  
954 Greentree Road  
Pittsburgh, PA 15220  
*Attorney:* Karen S. Timko

**DAVID PANKRATZ, a/k/a DAVID JOHN PANKRATZ**, late of Brownsville, Fayette County, PA (2)

*Executrix:* Donna Pankratz  
c/o Entrusted Legacy Law  
P.O. Box 130  
Bradford Woodds, PA 15015  
*Attorney:* Ashley Sharek

**CHARLES PITMAN, a/k/a CHARLES PITMAN, JR.**, late of Acme, Fayette County, PA (2)

*Administratrix:* Nancy A. Tebell  
11421 Donnington Ct  
Manassas, Virginia 20111  
c/o King Legal Group  
114 North Maple Avenue  
Greensburg, PA 15601  
*Attorney:* Bradley A. King

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**MARYANN REAGGLE**, late of North Union,  
Fayette County, PA (2)

*Administrator:* Jeremiah Ditmore  
1 Lucille Avenue  
Uniontown, PA 15401

---

**ELSIE M. WEBB, a/k/a ELSIE MATILDA  
WEBB**, late of Dunbar Township, Fayette  
County, PA (2)

*Personal Representative:* Anna E. Webb  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

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### First Publication

**RONALD LEE BAIRD**, late of Lower Tyrone  
Township, Fayette County, PA (1)

*Executrix:* Rachel Louise Baird Alahmad  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeremy J. Davis

---

**MARILYN BULLOCK, a/k/a MARILYN  
FRANCES BULLOCK**, late of Silver Spring,  
Montgomery County, Maryland (1)

*Executrix:* Cynthia J. Conte  
4623 Warrington Drive  
Orlando, Florida 32826  
c/o 4 West Manilla Avenue, Suite 10  
Pittsburgh, PA 15220  
*Attorney:* Joan Shinavski

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**JAMES W. BUSH, a/k/a JAMES W. BUSH,  
JR.**, late of Perry Township, Fayette County, PA

*Executrix:* Natalie King Bush (1)  
8 Railroad Street  
Dawson, PA 15428  
c/o Jones Gregg Creehan & Gerace, LLP  
20 Stanwix Street, Suite 1100  
Pittsburgh, PA 15222  
*Attorney:* Branden A. Fulciniti

---

**LAWRENCE R. DENNIS**, late of Menallen  
Township, Fayette County, PA (1)

*Administratrix:* Elizabeth W. Dennis  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

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**SHIRLEY B. EVANS, a/k/a SHIRLEY ANN  
EVANS**, late of Springhill Township, Fayette  
County, PA (1)

*Executrix:* Patricia Heidt  
c/o 4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Sheryl R. Heidt

---

**GERALDINE M. GEBADLO**, late of Dunbar  
Township, Fayette County, PA (1)

*Personal Representative:* Timothy J. King  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

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**HOWARD JOSEPH GILLOTT, a/k/a  
HOWARD T. GILLOTT**, late of Bullskin  
Township, Fayette County, PA (1)

*Executor:* Howard Justin Gillott  
1505 Breakneck Road  
Connellsville, PA 15425  
c/o Henderson Law Offices, PC  
319 Pittsburgh Street  
Scottdale, PA 15683  
*Attorney:* Kevin Henderson

---

**VINCENT LOUIS GRLOVICH, a/k/a  
VINCENT L. GRLOVICH**, late of Redstone  
Township, Fayette County, PA (1)

*Executrix:* Mary Ann Grlovich, a/k/a  
Mary Ann Plisko-Grlovich  
495 Twin Hills Road  
Grindstone, PA 15442  
c/o 96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

---

**ROSEMARY S. KALASKY, a/k/a  
ROSEMARY SUSAN KALASKY**, late of  
North Union Township, Fayette County, PA

*Executor:* Andrew M. Kalasky and  
Joseph A. Kalasky (1)  
31 Phillippi Avenue  
Uniontown, PA 15401  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

---

**JUDY M. LIVENGOD**, late of South Union Township, Fayette County, PA <sup>(1)</sup>  
*Co-Executors:* Aleta Held and Richard A. Livengood II  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

---

**PHILLIP JOHN MICHAEL**, late of South Union Township, Fayette County, PA <sup>(1)</sup>  
*Administratrix:* Tricia Carbonara-Michael  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

---

**SHIRLEY K. MUNDEL**, late of South Union Township, Fayette County, PA <sup>(1)</sup>  
*Personal Representatives:*  
Benjamin Mundel and Jeffrey W. McCabe  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

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**CHARLES HENRY PITMAN**, late of Acme Township, Fayette County, PA <sup>(1)</sup>  
*Administratrix:* Nancy A. Tebell  
11421 Donnington Court  
Manassas, VA 20111  
c/o King Legal Group, LLC  
114 North Maple Avenue  
Greensburg, PA 15601  
*Attorney:* Bradley A. King

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**JOEL C. REBOVICH**, late of Perryopolis Borough, Fayette County, PA <sup>(1)</sup>  
*Executrix:* Dana J. Rebovich  
536 Liberty Street  
Perryopolis, PA 15473  
c/o Bassi, Vreeland & Associates, P.C.  
P.O. Box 144  
111 Fallowfield Avenue  
Charleroi, PA 15022  
*Attorney:* Bradley M. Bassi

---

**YVONNE J. URBAN**, late of Perryopolis Borough, Fayette County, PA <sup>(1)</sup>  
*Executor:* Kenneth R. Urban  
232 Todd Farm Road  
Belle Vernon, PA 15012  
c/o Moore Becker Smarto & Acosta, P.C.  
121 West Second Street

Greensburg, PA 15601  
*Attorney:* Elizabeth A. Becker

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**CHARLES W. WATSON**, late of Dunbar Township, Fayette County, PA <sup>(1)</sup>  
*Personal Representative:* Aaron C. Watson  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

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**MORRIS WEBB, JR.**, late of Dunbar Township, Fayette County, PA <sup>(1)</sup>  
*Administratrix:* Anna E. Webb  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

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**ANNA P. WHITE, a/k/a ANNA PEARL WHITE**, late of Dunbar Township, Fayette County, PA <sup>(1)</sup>  
*Executor:* Duane L King  
P.O. Box 732  
Vanderbilt, PA 15486  
c/o Lederach Law  
201 North Chestnut Street  
P.O. Box 342  
Scottdale, PA 15683  
*Attorney:* James S. Lederach

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# LEGAL NOTICES

## NOTICE

NOTICE IS HEREBY GIVEN to James Johnson that on the 8th day of March, 2024, a Petition for Involuntary Termination of Parental Rights was filed in the Fayette County Court of Common Pleas, regarding the minor children, P.J., at Docket Number 19 ADOPT 2024; and C.J. at Docket Number 20 ADOPT 2024. Hearing has hereby been scheduled for the 19th day of September, 2024, at 11:00 a.m., at the Fayette County Courthouse.

### PECK LAW OFFICES

By: Brent Eric Peck, Esquire  
111 East Main Street  
Uniontown, PA 15401  
Ph: 724-430-0514

## NOTICE OF VOLUNTARY DISSOLUTION

Notice is hereby given by Marcus, Inc. located at 1166 National Pike Hopwood, South Union Township, Fayette County, Pennsylvania, a Pennsylvania business corporation, that it is winding up its affairs in the manner prescribed by section 1975 of the Business Corporation Law of 1988, and that its corporate existence ceased upon the filing of Article of Dissolution in the Department of State of the Commonwealth of Pennsylvania on August 5, 2024.

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## Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and  
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, September 2, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0289	Sheila M. Orlandi	Anthony S. Dedola, Jr., Executor
2622-0401	James Hayden	Zoe Claire Hayden, Executor
2622-0437	Barbara Anne Terry	Maryland A. Reyer, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, September 16, 2024, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN  
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (2 of 2)

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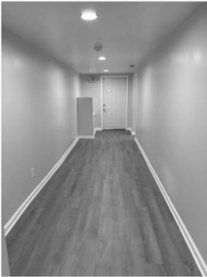
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**benhaines@zoominternet.net**

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# JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BURHANS-CROUSE FUNERAL HOME,	:	
CATHY CROUSE, and CRYSTAL CROUSE,	:	
Plaintiffs,	:	
v.	:	
COLUMBIA GAS OF PENNSYLVANIA, INC.,	:	
Defendant.	:	No. 1203 of 2024

## OPINION AND ORDER

LESKINEN, P.J.	July 16, 2024
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Before the Court is the Motion for Preliminary Injunction filed by Plaintiffs, Burhans-Crouse Funeral Home (“Burhans-Crouse”), Cathy Crouse, and Crystal Crouse. Upon the consideration of the Plaintiffs’ Motion, Defendant’s Brief in Opposition to the Motion, and the evidence and arguments presented at a hearing on July 11th, 2024, the Court issues this Opinion and Order dissolving the Preliminary Injunction continued by the Order dated July 5th, 2024, and denying the Motion for an ongoing injunction.

Plaintiffs filed a Complaint for Injunctive Relief on June 17th, 2024, which is predicated in part on an Application for Approval of Abandonment of Natural Gas Service filed by Defendant, Columbia Gas of Pennsylvania, Inc. (“Columbia Gas”) with the Pennsylvania Public Utility Commission (“PUC”) in October of 2022. The Application sought the approval of the PUC to terminate natural gas service to Burhans-Crouse. The PUC ultimately granted the Application, and that decision is currently on appeal to the Commonwealth Court at Docket No. 500 CD 2024. The Complaint in this matter raises common law claims of intentional interference with contractual relations and intentional interference with prospective contractual relations based on the impact the termination of service would have on the Plaintiffs.

“Any preliminary injunction is an extraordinary, interim remedy that should not be issued unless the moving party’s right to relief is clear and the wrong to be remedied is manifest.” *Ambrogi v. Reber*, 932 A.2d 969, 974 (Pa. Super. 2007). A plaintiff seeking an injunction must establish:

1. Relief is necessary to prevent immediate and irreparable harm;
2. A greater injury will occur from refusing the injunction rather than granting it;
3. The injunction will restore the parties to the status quo;
4. The alleged wrong is manifest and the injunction is reasonably suited to abate it; and
5. The plaintiff’s right to relief is clear.

*Id.*, at 976. Every one of these prerequisites must be established to issue a preliminary injunction; if the plaintiff fails to establish one element, there is no need to address the others. *Lee Publications, Inc. v. Dickinson School of Law*, 848 A.2d 178, 189 (Pa.

Cmwlt. 2004). The requirement that a plaintiff's right to relief be "clear" requires that it be more than merely "viable" or "plausible" but does not require that the party seeking the injunction show that they are guaranteed to prevail. Ambrogio, at 980. Rather the party must show that "substantial legal questions must be resolved to determine the rights of the respective parties." Id.

The matter before this Court is not a challenge to the PUC's grant of Columbia Gas' Application for Approval to Abandon. The sole claims raised in Plaintiffs' Complaint are tort claims against Columbia Gas for intentional interference with contractual and prospective contractual relations, and therefore any consideration of an injunction is limited to these two counts as they were pled in the Complaint for Injunctive Relief {1}. The elements of a cause of action for interference with contractual relations are as follows {2}:

1. A contractual relationship between the plaintiff and a third party;
2. An intent on the part of the defendant to harm the plaintiff by interfering with that contractual relationship;
3. The absence of privilege or justification on the part of the defendant; and
4. The occasioning of actual damage as a result of defendant's conduct.

Foster v. UPMC South Side Hosp., 2 A.3d 655, 665 (Pa. Super. 2010). The contractual relationships identified in the Complaint at ¶18 are "arrangements with customers for pre-paid funeral arrangements/services which it would be unable to honor should Columbia Gas terminate service prematurely to the Premises." The only reference to prospective contractual relationships is the averment in ¶21 that "Columbia Gas has intentionally interfered with Burhans-Crouse's prospective contractual relations with potential customers." Though Cathy Crouse and Crystal Crouse are named as Plaintiffs in their individual capacities, there are no averments of any contracts or prospective contracts other than those of the funeral home.

The absence of privilege is an element of the cause of action that must be pled and proven by the plaintiff, not an affirmative defense. Salsgiver Communications, Inc. v. Consolidated Communications Holdings, Inc., 150 A.3d 957, 963, 966, n.8A (Pa. Super. 2016). The courts have equated "the absence of privilege or justification on the part of the defendant" with the term "improper." Id. at n.8. Section 1102(a)(2) of the Public Utility Code ("Code") requires that a utility must first apply for and obtain a certificate of public convenience prior to any abandonment of utility service to the public. Borough of Duncannon v. Pennsylvania PUC, 713 A.2d 737, 739 (Pa. Cmwlt. 1998). The PUC, which has the sole power to regulate utilities pursuant to 66 Pa. C.S.A. §1501, is bound by the standards of Section 1103(a) of the Code and the standards established in West Penn Rys. Co. v. PUC, 15 A.2d 539, 544 (Pa. Super. 1940) in determining whether to grant a certificate.

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{1} Columbia Gas filed Preliminary Objections to the Complaint on 7/10/24 with a Notice to Plead, raising objections of lack of subject matter jurisdiction, failure to join a necessary party (the PUC), and a demurrer for a failure to plead sufficient facts to establish the elements of the causes of action for tortious interference.

{2} The elements for intentional interference with prospective contractual relationships are similar, with the first element referencing a prospective contractual relationship and the second element a purpose or intent to harm the plaintiff by preventing the relation from occurring. The remaining two elements are the same for both torts.

Columbia Gas was granted a certificate after a full hearing through the PUC in which Burhans-Crouse participated and which is currently on appeal to the Commonwealth Court. Absent some authority to the contrary (which Plaintiffs have not cited and this Court has not found), the approval of the PUC through a statutory process would clearly constitute privilege or justification for Columbia Gas's actions. Since a lack of privilege is a required element of both causes of action, the Motion for Injunction would also fail as Plaintiffs cannot establish a clear right to relief. {3}

Plaintiff has also failed to establish irreparable harm. The Complaint is limited to tort claims for intentional interference with contractual relationships. A party seeking injunctive relief must establish that the relief sought is necessary to prevent immediate and irreparable harm which cannot be compensated by damages. *T.W. Phillips Gas and Oil Co. v. Peoples Natural Gas Co.*, 492 A.2d 776, 780 (Pa. Cmwlth. 1985). Here, the existing contractual relationships Plaintiffs cite are pre-paid funeral contracts which they currently hold. If Burhans-Crouse was unable to fulfill those contracts, the damages would be easily ascertainable, either by the express terms of the contracts or by the cost of obtaining an equivalent contract from another facility. Similarly, the potential loss of any prospective pre-paid contracts could be estimated based on historical data from existing contracts. These losses could be compensated by damages.

Though the abandonment of the gas service to the funeral home may cause other irreparable harm to the business, to which this Court is certainly sympathetic, that is not the matter the Plaintiffs have placed at issue in their Complaint here. Nor is this an equivalent situation to the facts of *T.W. Phillips*, where an injunctive remedy is uniquely situated and necessary to preserve issues for the adjudication of the PUC. In this matter, the PUC has already entered a final order and Plaintiffs have not exhausted the remedies available to them under that process.

WHEREFORE, the Court issues the following Order:

#### ORDER

AND NOW, this 16th day of July, 2024, upon consideration of the Plaintiffs' Motion for Preliminary Injunction, Defendant's Brief in Opposition to the Motion, and the evidence and arguments presented by the parties at a hearing on July 11th, 2024, the Court ORDERS and DIRECTS that for the reasons set forth in the attached Opinion, the Temporary Injunction that was continued by this Court's prior Order dated July 5th, 2024, is hereby DISSOLVED, and Plaintiffs' Motion for Preliminary Injunction is DENIED, without prejudice. The Court shall enter a separate Order addressing the dissolution of the bond posted by Plaintiffs once the period for appeal of this Order has expired.

BY THE COURT:  
STEVE. P. LESKINEN,  
PRESIDENT JUDGE

ATTEST:  
PROTHONOTARY

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{3} This conclusion is not intended to be a ruling on Defendant's Preliminary Objections. The Plaintiffs still have the opportunity to file responsive pleadings and briefs or to amend their Complaint, which the Court shall consider at the appropriate time.

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