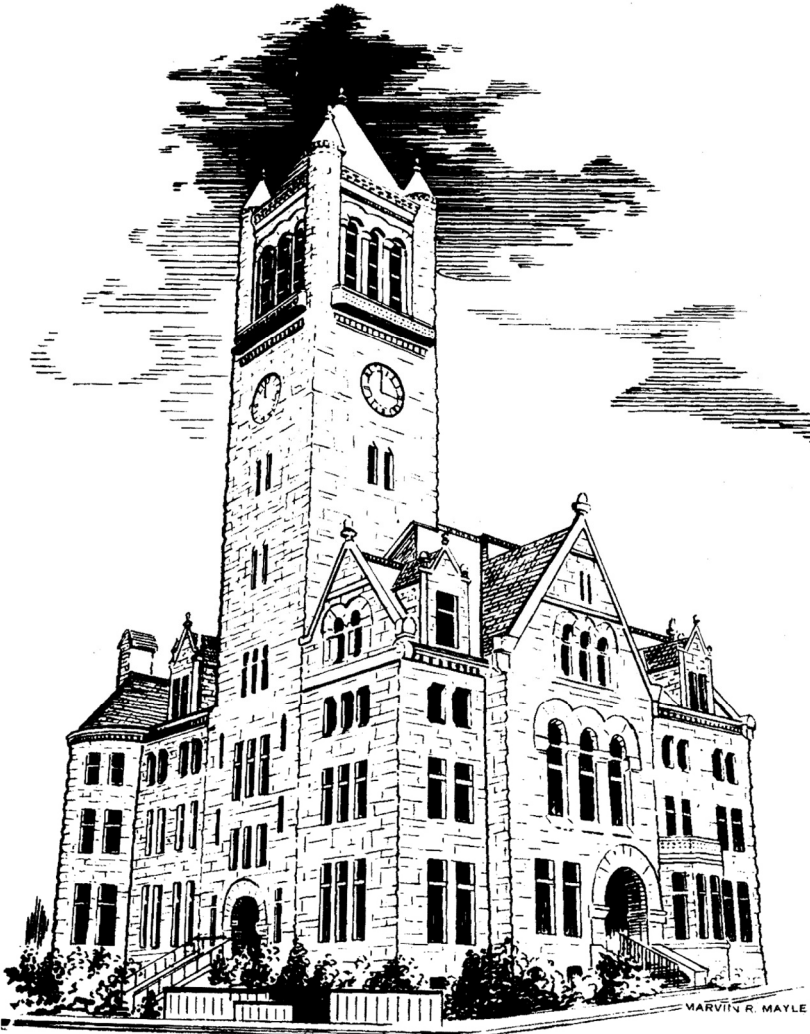


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

DONNA J. BLAIR, late of Connellsville,
Fayette County, PA ⁽³⁾

Executor: Gregg Blair
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Second Publication

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First Publication**TIMOTHY M. BEEMAN, a/k/a TIMOTHY MARK BEEMAN**, late of South Connellsville Borough, Fayette County, PA (1)

Personal Representative:
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Attorney: Timothy J. Witt

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Administratrix: Yvonne E. Massey
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 c/o P.O. Box 488
 California, PA 15419
Attorney: Lisa Buday

RENNE KREMPOSKY, late of Luzerne Township, Fayette County, PA (1)

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Attorney: Lisa Buday

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 Connellsville, PA 15425
Attorney: Jennifer M. Casini

JANET L. STEYER, late of Springfield
Township, Fayette County, PA (1)

Executrix: Kelly Jo Steyer-Burnsworth
882 Maple Summit Road
Mill Run, PA 15464

c/o Moore Becker Smarto & Acosta, P.C.
121 West Second Street
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Attorney: Elizabeth A. Becker

LEGAL NOTICES

In Re: Dorothy P. Friend a/k/a Dorothy Friend, deceased and Dorothy P. Friend-deceased, Trustee of the Revocable Trust Agreement of Earl W. Friend and Dorothy P. Friend late of 1103 Kentuck Road, Ohiopyle, PA 15470

Administrator of the Dorothy P. Friend estate and final Trustee of the Revocable Trust Agreement of Earl W. Friend and Dorothy P. Friend was appointed to the respected offices by the Register of Wills of Fayette County, Pennsylvania and is the Trustee dissolving the Revocable Trust. Notice is hereby given to all persons having claims or demands against said Estate or against the Revocable Trust and all persons owing funds to the Estate or to the Revocable Trust shall make claims or make payments thereof to the respective entity, Revocable Trust or Estate or to the Administrator, Trustee Attorney.

Garry Sproul, Administrator and Trustee
c/o Donald J. McCue, J.D., P.E.
Donald McCue Law Firm P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425

(1 of 3)

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JUDICIAL OPINION

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

JAMES E. LEONARD,	:	
Plaintiff,	:	
v.	:	
RURAL KING HOLDINGS, LLP,	:	
t/d/b/a RURAL KING,	:	No. 458 of 2021, G.D.
Defendant.	:	President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J.

February 6, 2024

Before the Court is the Defendant's Motion for Summary Judgment. After consideration of the record in this matter and the arguments and briefs of the parties in support of their positions, the Court hereby issues the following Opinion and Order denying the Motion:

Plaintiff filed the above-captioned negligence action against Defendant on March 15th, 2021. Plaintiff, James E. Leonard, alleges that while visiting the Rural King store in Connellsville, Pennsylvania, on the morning of December 23rd, 2020, he slipped and fell in the parking lot as the result of an accumulation of ice, suffering injuries and damages. At the time of the incident, snow was piled at the edges of the parking lot, having been previously cleared from light rain and snow the day before and a more significant accumulation of snow three days prior. Plaintiff's wife, who was not present at the time Plaintiff fell, but arrived at the scene later, testified that ice may have been caused by snow from the piles melting and then re-freezing.

Summary judgment is governed by Rule 1035.2 of the Pennsylvania Rules of Civil Procedure, which provides:

After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law

- (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or
- (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

"Motions for summary judgment necessarily and directly implicate the plaintiff's proof of the elements of his cause of action." *DeArmitt v. New York Life Ins. Co.*, 73 A.3d 578, 586 (Pa. Super. 2013). "Thus, a record that supports summary judgment will either (1) show the material facts are undisputed or (2) contain insufficient evidence of facts to make out a prima facie cause of action or defense and, therefore, there is no issue to be submitted to the fact finder." *Id.* Summary judgment may only be granted in

cases that are clear and free from doubt. *Weiss v. Keystone Mack Sales, Inc.*, 456 A.2d 1009, 1011 (Pa. Super. 1983).

Defendants argue that they are entitled to summary judgment as a matter of law because the "hills and ridges" doctrine applies and precludes liability, as Plaintiff has failed to prove the elements required to recover for a fall when the doctrine applies. Plaintiff argues that the hills and ridges doctrine is not applicable to this case, where the ice was allegedly caused by the melting and re-freezing of snow piles that were situated at the top of a sloped parking lot.

The hills and ridges doctrine, as applied in Pennsylvania, holds that there is no liability created by a general slippery condition. It must appear that there were dangerous conditions due to ridges or elevations which were allowed to remain for an unreasonable length of time or were created by defendant's antecedent negligence. *Basick v. Barnes*, 341 A.2d 157, 160 (Pa. Super. 1975). This doctrine has many significant exceptions, including when the slippery condition is a localized patch of ice rather than a general slippery condition or when an icy condition is caused by the defendant's neglect, such as a defective drain or spigot. *Id.* The application of the doctrine distinguishes between natural and artificial accumulations. The melting and re-freezing of snow and ice is generally considered to be a natural cycle associated with temperature change. *Beck v. Holly Tree Homeowners Ass'n*, 689 F.Supp 2d 756, 765 (E.D. Pa. 2010), citing *Cassey v. Singer*, 93 A.2d 470, 472 (Pa. 1953). However, this distinction between natural and artificial conditions refers to a universal fall of snow and a universal freeze, "as against the freezing of a small, localized spot which a property-owner allows to be created and to exist as the result of some inaction on his part." *Id.*

Here, there is a material question of fact as to whether any water or ice on the parking lot was due to a general melting and re-freezing of snow and ice cover or a localized issue caused by the placement of the piles of cleared snow relative to the topography of the parking lot. This is ultimately a jury question, and should they find the latter, the hills and ridges doctrine would not apply as a defense from liability.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 6th day of February, 2024, upon consideration of the record submitted and the oral arguments and briefs presented by the parties in support of their positions, and for the reasons set forth above, Defendant's Motion for Summary Judgment is hereby DENIED.

Plaintiff shall file a pre-trial statement and a Certificate of Readiness within thirty (30) days of the date of this Order, pursuant to F.C.R. 212.1(f), Defendant shall then have twenty (20) days from the date the Certificate of Readiness is filed to file its pre-trial statement or an objection to the Certificate of Readiness pursuant to the same rule.

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

ATTEST:
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