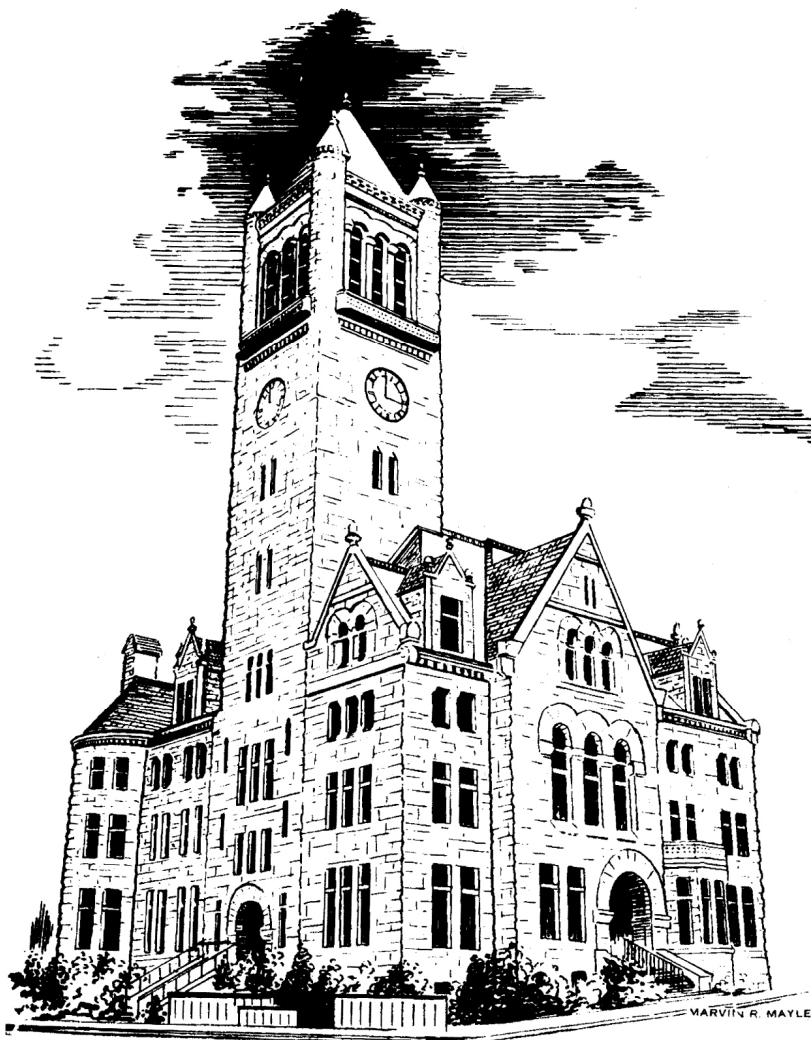


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ESTATE NOTICES

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

DORIS J. DISANTO, late of North Union Township, Fayette County, PA ⁽³⁾

Executor: Isaiah Glisan-Gowton
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

KAREN FRASCONI, late of Masontown, Fayette County, PA ⁽³⁾

Administrator: Robert J. Frasconi
206 East Church Avenue
Masontown, PA 15461

MARY CATHERINE KEENER, late of German Township, Fayette County, PA ⁽³⁾

Co-Executors: David Keener, Jr.,
Scott Keener & Jeff Keener
222 Cottage Avenue
Masontown, PA 15461
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

KEITH KURTA, late of Perryopolis Borough, Fayette County, PA ⁽³⁾

Executor: Robert Kurta
18 Grant Circle
McDonald, PA 15057
c/o Kuzma Law Group, PC
200 North Second Avenue
Elizabeth, PA 15037
Attorney: Andrew Kuzma

PHYLLIS MCLAUGHLIN, late of Point Marion Borough, Fayette County, PA ⁽³⁾

Executrix: Nancy Jane McLaughlin
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

STANLEY DEWANE MILLER, JR., a/k/a STANLEY D. MILLER, JR., late of Georges Township, Fayette County, PA ⁽³⁾

Administrator: Stanley Dewane Miller, III
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

Second Publication

JAMES D. HAGER, late of Georges Township, Fayette County, PA ⁽²⁾

Executrix: Susan K. Wise
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DEBORAH JENKINS, late of Nicholson Township, Fayette County, PA ⁽²⁾

Administrator: Richard S. Jenkins
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

STEPHEN KERMES, late of Farmington, Fayette County, PA ⁽²⁾

Administrator: Gloria Kermes
P.O. Box 130
Bradford Woods, PA 15015

STEVEN E. KOOSER, late of Bullskin Township, Fayette County, PA ⁽²⁾

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

WILLIAM K. MORRISON, late of Perry Township, Fayette County, PA (2)
Administrator: Ryan Morrison
400 Federal Street
P.O. Box 257
Perryopolis, PA 15473

HOWARD B. SARVER, JR., late of Henry Clay Township, Fayette County, PA (2)
Administrator: Clifford L. Sarver
408 Sonny Street
Hanover, PA 17331
c/o Elizabeth B. Place, Mette
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110
Attorney: Elizabeth B. Place

First Publication

ELIZABETH A. ACKINCLOSE, a/k/a ELIZABETH ACKINCLOSE, late of Fayette City, Fayette County, PA (1)
Executor: Timothy R. Ackinclose
17930 Garden Lane
Apartment No. 3
Hagerstown, MD 21740
c/o Melenyzer & Agraftiotis, LLC
337 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Thomas P. Agraftiotis

SHIRLEY BABILYA, a/k/a SHIRLEY ANN BABILYA, late of Brownsville Borough, Fayette County, PA (1)
Personal Representative:
Rebecca Lynn Costello
112 Carmichaels St.
Rices Landing, PA 15357
c/o Mitchell Law Office
P.O. Box 122 902 First Street
Hiller, PA 15444
Attorney: Herbert G. Mitchell, III

DAVID RUSSELL BROOKS, SR., a/k/a DAVID R. BROOKS, late of Dunbar Township, Fayette County, PA (1)
Personal Representative: Lisa Brenneman
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

BETTY J. CERNUSKA, late of Perry Township, Fayette County, PA (1)
Co-Executrixes: Judith Ann Thorpe and Pamela Jane Cunningham
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

LORI GAY COSSELL, a/k/a LORI G. COSSELL, late of Dunbar Township, Fayette County, PA (1)
Personal Representative: April Brooks
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

KATHRYN R. HAUTH, late of Washington Township, Fayette County, PA (1)
Executor: John William Gallo
6224 Highview Drive
Rostraver Township, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

LEGAL NOTICES

NOTICE

Notice is hereby given that on August 6, 2025, the Court of Common Pleas of Fayette County, Pennsylvania, Civil Division, docket number 1753 of 2025, entered an order setting September 22, 2025, at 9:15 A.M., in Courtroom No. 4, Fayette County Courthouse, Uniontown, Pennsylvania, as the time and place for a hearing on the Petition for Change of Name of Zander Cole Thomas, a minor, to Zander Cole Hunt, filed by Jennifer Lee Hunt, his mother and guardian.

All persons interested may appear and show cause, if any, why the petition should not be granted.

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on July 31, 2025, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic nonprofit corporation which was organized under the Business Corporation law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 5306, et sec.) The name of the corporation is "Tri-County Irish Baseball Club".

Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: 724-626-8882

NOTICE OF INCORPORATION - NONPROFIT

NOTICE is hereby given that Articles of Incorporation-Nonprofit were filed with the Department of State, Commonwealth of Pennsylvania on August 3, 2023 for the purpose of forming a nonprofit corporation under The Pennsylvania Nonprofit Corporation Law of 1988, as amended. The name of the corporation is Farmers Foundation of Fayette County, PA. The purpose of the corporation is to engage in charitable and educational activities to support farming and agriculture and other purposes permitted by The Pennsylvania Non Profit Corporation Law.

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

Tuesday, September 2, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2624-0730	LARRY WAYNE MIKESELL	Lewis Sweitzer, Executor

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

Monday, September 15, 2025, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second 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.

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

Tuesday, September 2, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2624-0161	EDWARD MALDOVAN a/k/a EDWARD L. MALDOVAN	James F. Adams, Executor

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

Monday, September 15, 2025, 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.

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johnfranciswarman@gmail.com

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JUDICIAL OPINION

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

STACIE L. RUDE,
Plaintiff,
vs.
PROGRESSIVE ADVANCED
INSURANCE COMPANY, a corporation,
Defendant.

:
:
:
:
:
: No. 2269 of 2024, G.D.
: Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

June 20, 2025

Before the Court are Defendant Progressive Advanced Insurance Company’s Preliminary Objections to the Complaint of Plaintiff Stacie L. Rude. Plaintiff filed a one count Complaint seeking income loss benefits from a commercial policy issued by Progressive to Rude Crew Trucking LLC, for which Plaintiff Stacie L. Rude is the sole managing member of the limited liability company. Stacie L. Rude is identified as a “rated driver” on the commercial policy.

Stacie L. Rude is not listed as a named insured under any personal motor vehicle policy. Rather, her husband, Randall Rude, is the named insured under a personal automobile policy with Progressive. Stacie L. Rude was injured in an accident on March 7, 2024, when she was operating a 2018 Freightliner tractor trailer, which was leased to Rude Crew Trucking, LLC, which resulted in bodily injury and harm to her. As a result of the accident, Plaintiff has been unable to perform her work-related duties for Rude Crew Trucking, LLC, resulting in a loss of earnings. Plaintiff alleges that her loss of income is recoverable under the Rude Crew Trucking, LLC commercial policy with Progressive.

Progressive filed preliminary objections to the Complaint arguing that an insured is entitled to recover only from the policy source of the highest priority and that the priority of policies is controlled by the endorsement to the commercial policy and the Pennsylvania Motor Vehicle Financial Responsibility Law. The MVFRL defines “named insured” as “any individual identified by name as an insured in a policy of private passenger motor vehicle insurance.” 75 Pa.C.S.A. §1705.

Since the instant action is a case of unequal priority, Section 1713(a) of the Motor Vehicle Financial Responsibility Law controls.

- (a) General rule.--Except as provided in section 1714 (relating to ineligible claimants), a person who suffers injury arising out of the maintenance or use of a motor vehicle shall recover first party benefits against applicable insurance coverage in the following order of priority:
- (1) For a named insured, the policy on which he is the named insured.

(2) For an insured, the policy covering the insured.

(3) For the occupants of an insured motor vehicle, the policy on that motor vehicle.

(4) For a person who is not the occupant of a motor vehicle, the policy on any motor vehicle involved in the accident. For the purpose of this paragraph, a parked and unoccupied motor vehicle is not a motor vehicle involved in an accident unless it was parked so as to cause unreasonable risk of injury.

75 Pa.C.S.A. §1713.

A review of Rude Crew Trucking, LLC's commercial policy will also illustrate that the priority of coverage section in that policy essentially mirrors the priority language of the MVFRL. Rude Crew Trucking, LLC's priority of policies provides:

Priority of Policies

If there is other First Pany Benefits Coverage, we will pay benefits under this endorsement in accordance with the order of priorities set forth by the Pennsylvania Motor Vehicle Financial Responsibility Law, as amended. We will not pay benefits if there is another insurer at a higher level of priority. The order of priority is:

- | | |
|--------|--|
| First | The insurer providing benefits to the insured as a named insured. |
| Second | The insurer providing benefits to the insured as a relative who is not a named insured under another policy providing coverage under the Pennsylvania Motor Vehicle Financial Responsibility Law. |
| Third | The insurer of the motor vehicle that the insured is occupying at the time of the accident. |
| Fourth | The insurer providing benefits on any motor vehicle involved in the accident if the insured is: <ul style="list-style-type: none">a. not occupying a motor vehicle; andb. not entitled to payment of first party benefits under any other motor vehicle policy. |

An unoccupied parked motor vehicle is not a motor vehicle involved in an accident within this Fourth priority unless it was parked in a manner as to create an unreasonable risk of injury.

See Commercial Auto Policy.

Under the MVFRL and the explicit terms of the Progressive policy, if there is a higher priority level policy, that policy is the only policy that is obligated to pay benefits. See, *Bailey v. State Farm Mut. Auto. Ins. Co.*, 2015 WL 2248228 (W.D. Pa. May 13, 2015). Here, the "second" level of priority would apply as Stacie L. Rude is a "relative who is not a named insured" in her capacity as the wife of Randall Rude. For the commercial policy to apply, the "third" level of priority would have to be applied. Stacie L. Rude as relative to Randal Rude is a higher priority than her occupancy of the commercial vehicle.

In her response to the preliminary objections, Plaintiff argues that she is a "named insured" under the commercial policy "as she is the sole managing member of Rude Crew Trucking, LLC, and as such is the only person that would have received coverage for this motor vehicle accident." In support, Plaintiff states that she is not a named insured under any other policy of insurance issued by Progressive. Alternatively, she argues that "if she is not recognized as a named insured under the commercial policy issued to Rude Crew Trucking, LLC, then she is clearly an insured under that same policy as she is recognized by that policy as a rated driver."

Undisputedly, the named insured on the commercial policy is “Rude Crew Trucking, LLC.” The Pennsylvania Uniform Limited Liability Company Act of 2016 defines the characteristics of a limited liability company as a completely separate entity from its members:

“Characteristics of Limited Liability Company”.

(a) Separate entity.--A limited liability company is an entity distinct from its member or members.

15 Pa. C.S.A. §8818.

A member of an LLC, even a sole or managing member, is a separate and distinct being from the LLC and cannot “have it both ways” by availing herself of the benefits of corporate liability protection while simultaneously seeking benefits as if the LLC is her alter ego. See, *Sams v. Redevelopment Auth. of City of New Kensington*, 244 A.2d 779, 781 (Pa. 1968) (“One cannot choose to accept the benefits incident to a corporate enterprise and at the same time brush aside the corporate form when it works to their (shareholders’) detriment.” The corporate entity or personality will be disregarded only when the entity is used to defeat public convenience, justify wrong, protect fraud or defend crime. *Id.*

Following oral argument on the preliminary objections, Plaintiff submitted for this Court’s consideration *Baclit v. Sloan*, 323 A.3d 1, 6 (Pa. Super. 2024), reargument denied (Oct. 22, 2024), appeal granted, 2025 WL 1230847 (Pa. Apr. 29, 2025). In *Baclit*, the Administrator of the estate of a trucking company’s president brought an action against the company’s automobile insurer to recover inter-policy stacked underinsured motorist benefits for fatal injuries caused by his fall from a bridge retaining wall after exiting his mother’s vehicle to provide assistance to another motorist. The Superior Court held:

We are bound by the *Miller* decision and therefore conclude that *Baclit*, as the sole officer and president of TKC Trucking, was a named insured under the Policy. See *Miller*, 510 A.2d at 1258; *Lastooka*, 552 A.2d at 256 n.1; see also *Commonwealth v. May*, 271 A.3d 475, 482 (Pa. Super. 2022) (stating that a three-judge panel of this Court “is bound by existing precedent and, therefore, lacks the authority to overturn another panel decision”).

To conclude otherwise would, as the trial court found, render the stacking benefit under the Policy illusory.

Baclit at 10–11.

However, the holding in *Baclit*, as it applies to a “named insured,” derives from the Superior Court’s examination of the policy’s specific provisions, particularly the sections addressing underinsured motorist coverage, and from the designation of classes of insureds within the scope of uninsured or underinsured motorist benefits. The Superior Court’s ruling in *Baclit* pertains to the application of uninsured or underinsured motorist benefits and has not been extended to first-party coverage claims. Furthermore, first-party coverage may not be “stacked,” which was the central issue in *Baclit*.

We find determinative *Erie Insurance Co. v. Insurance Dept.*, 705 A.2d 937 (Pa. Cmwlth. 1997), wherein the Insurance Commissioner determined that in enacting Act 78, “[t]he General Assembly did not intend ... the term ‘named insured’ to include those

other persons who are listed as additional insureds in an endorsement or merely listed as additional drivers of the insured vehicle.” Id. at 939. The Commonwealth Court agreed, and relied on what it described as

[a]n extensive body of secondary authority, including insurance law treatises, indicat[ing] that the phrase “named insured” is used as a technical term in the insurance industry referring only to individuals designated as “named insureds” on the face of or in the declarations section of the policy. See, e.g., Black’s Law Dictionary at 1023 (6th ed. 1990) (“Named insured. In insurance, the person specifically designated in the policy as the one protected and, commonly, it is the person with whom the contract of insurance has been made.” (emphasis added)); Barry D. Smith et al., *Property & Liability Insurance Principles* 216 (2d ed. 1994) (“The declarations page of a policy has a space labeled ‘named insured(s).’ Only parties whose names appear in that space (or on an attached endorsement listing ‘additional named insureds’ are, in fact, ‘named insureds.’ Often, the spouse of a named insured receives the same coverage as a named insured, even if the spouse is not named (and is not, therefore, a named insured)).” (emphasis in original)); John Alan & Jean Applebaum, *Insurance Law & Practice* 51 (1979) (“Whenever the term ‘named insured’ is employed, it refers only to the person specifically designated upon the face of the contract.”); see also 7 Am Jur. *Automobile Insurance* § 236 (1980); Words & Phrases, “Named Insured” (1955 & Supp.1997).

Id. at 940.

In citing this precedent, the Superior Court held,

We discern no persuasive reason to depart from such authority to adopt a different interpretation of the term “named insured” as it is used in Section 1705. Pursuant to the plain language of the statute, only one who is identified by name as an insured on the face of the policy is a “named insured” for purposes of tort election. As Appellant was not identified by name as an insured, but only as another driver of Mr. Brandt’s covered vehicles, we conclude that she was not a “named insured” as that term is defined under the governing statute.

McWeeney v. Est. of Strickler, 61 A.3d 1023, 1029 (Pa. Super. 2013).

Accordingly, the preliminary objections must be SUSTAINED as Stacie L. Rude was a “rated driver” and not a “named insured” on the Rude Crew Trucking, LLC commercial policy with Progressive and that the personal policy of her husband, Randall Rude, is a higher priority level policy for her first party claims.

ORDER

AND NOW, this 20th day of June, 2025, upon consideration of Defendant Progressive Advanced Insurance Company’s Preliminary Objections to the Complaint of Plaintiff Stacie L. Rude, it is hereby ORDERED and DECREED that the Preliminary Objections are SUSTAINED in accordance with the foregoing Complaint and the action is DISMISSED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, August 20th from 12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Courthouse - Courtroom Four**
- Discussion topic: **Architect of a Legal Career: Tips for Practice Management, Financial Planning, and Career Transitions**

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- Presenter: **Jay N. Silberblatt, Esquire**

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Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
Lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, August 18th.