

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Lackawanna County v. Correctional Care, Inc. and Dr. Edward Zaloga 2021-CV-147

DATE OF DECISION: February 5, 2021

JUDGE: Julia K. Munley

ATTORNEYS INVOLVED:

Frank J. Ruggiero, Esq. for Plaintiff
John Siejk, Esq. for Defendants

SUMMARY OF OPINION:

Lackawanna County filed an application for a mandatory preliminary injunction against the former medical services provider for Lackawanna County Prison seeking to enforce a provision in their agreement that Defendants would secure tail insurance to cover medical malpractice claims. Under the insurance contract, only Defendants could secure insurance to cover both parties after the agreement ended and Defendants refused.

Judge Munley granted Lackawanna County's request for a mandatory injunction holding that: 1) immediate and irreparable harm would occur for both parties because the testimony at the hearing showed there was a deadline imposed by the insurance carrier and the prison was a very litigious environment; 2) greater injury would result to Lackawanna County if the injunction was refused given the financial risks to the municipality if it was not covered for medical malpractice claims; 3) the injunction, although it directed a party to take action, would return the parties to the status quo; 4) Lackawanna County was likely to prevail on their claim for specific performance even though there was only an anticipatory breach by Defendants; and 5) the injunction served the public interest, including the interests of persons incarcerated at Lackawanna County Prison.

Additionally, Lackawanna County sought three years of tail insurance coverage, while Defendants sought seven years of coverage. Judge Munley ordered three years of coverage, holding it was appropriately tailored given the two-year statute of limitations for medical malpractice claims plus sufficient time for discovery rule concerns. The seven-year argument was rejected as the statute of repose in medical malpractice claims was found to be unconstitutional, there would be the possibility of additional, uninsured risk whether it was a three-year or seven-year term, and the agreement between the parties indicated that all insurance was to be in amounts and terms approved by Lackawanna County.

LACKAWANNA JURIST

ESTATES

First Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted to Robert E. Carlucci in the **ESTATE OF FLORENCE M. CARLUCCI A/K/A FLORENCE CARLUCCI**, late of Dunmore, Pennsylvania (died 01/02/2021). 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.

Notice is hereby given that Letters of Administration have been granted in the **ESTATE OF JOEL R. DAVIS, JR.**, late of Dunmore, Lackawanna County, Commonwealth of Pennsylvania (Died: January 2, 2021). All persons indebted to the Estate are requested to make payment and those having claims or demands are to present the same, without delay to the Administratrix: Stacy Schanno, or Attorney Barbara J. O'Hara, 1421 E. Drinker Street, Dunmore, Pennsylvania 18512.

RE: **ESTATE OF MARY J. GRIBBIN, A/K/A MARY JOANN GRIBBIN, A/K/A MARY JOANNE GRIBBIN**, late of the City of Scranton, Pennsylvania (died September 24, 2020). Notice is hereby given that Letters Testamentary for the Estate of Mary J. Gribbin, a/k/a Mary Joann Gribbin, a/k/a Mary Joanne Gribbin, have been issued to Kathryn Chase, 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 at 935 Woodlawn Street, Scranton, PA 18509, or to Kristen M. Clark, 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 in the **ESTATE OF BEVERLY J. KEEGAN**, Deceased, late of Dickson City, PA who died on December 11, 2020, to Thomas Elliott Keegan. 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 Executor, Thomas Elliott Keegan, 711 Jackson Street, Dickson City, PA 18519, or to Michael J. Krushinski, Esquire, Attorney for the Estate at 418 Main Street, Dickson City, PA 18519.

ESTATE OF JEROME KOWALSKI A/K/A JEROME MICHAEL KOWALSKI, late of Peckville, Pennsylvania (died December 27, 2020). All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Executrix, Nadine E. Kanuit, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447. =

ESTATE OF DEBRA R. LEWCZUK A/K/A DEBRA RENE LEWCZUK, late of Moosic, Pennsylvania (died January 6, 2021). All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Executor, Michael L. Lewczuk, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF LOUISE MANCINELLI**, deceased, of the Borough of Taylor, Lackawanna County, who died on September 27, 2020. All persons indebted to said estate are required to make payment

and those having any claims or demands are to present the same without delay unto the Executor, Louis Sobotka, in care of Christine M. Trottni, Esquire, 49 South Main Street, Suite 105, Pittston, PA 18640.

ESTATE OF FRANCIS PAUL NICOLIO, DECEASED, late of 631 PENN AVE., MAYFIELD, PA 18433, (Died February 11, 2021) JOHN J. EVANS, Executor; Dante A. Cancelli, Suite 260, 125 N. Washington Ave., Scranton, Pennsylvania 18503, Attorney.

RE: **ESTATE OF KAREN E. PETORAK**, late of Jerymn, Lackawanna County, Pennsylvania (died February 16, 2021). Notice is hereby given that Letters of Administration for the Estate have been issued to Nancy Moro, Administratrix 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 Administratrix, or to Christopher J. Szewczyk, Attorney for the Estate, 321 Spruce Street - Suite 201, Scranton, PA 18503.

ESTATE OF RUTH SIMMONS A/K/A RUTH D. SIMMONS, late of La Plume, PA (Died: August 23, 2020). Kenneth E. Simmons, Executor or Albert E. Nicholls, Jr., Attorney for the Estate, 1421 E. Drinker, Street, Dunmore, Pennsylvania 18512.

Notice is hereby given that Letters Testamentary have been granted in the following estate. All persons indebted to the said estate are required to make payments and those having claims or demands are to present the same without delay to the Executor named below. **ESTATE OF PAUL A. WENDOLOWSKI**, late of Lackawanna County, Pennsylvania (died February 7, 2021). Catherine M. Wendolowski, Executor and Attorney: Michael Cherewka, Esquire, 624 North Front Street, Wormleysburg, PA 17043.

Second Notice

NOTICE is hereby given that Letters Testamentary have been given in the **ESTATE OF MICHAEL BAK**, late of Olyphant Borough, Lackawanna County, Pennsylvania, who died January 22, 2021. All persons indebted to said Estate are required to make payment, and those having claims or demands, to present the same without delay to the Executor, Victor Minajew, and his attorneys, Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

RE: **ESTATE OF JOHN J. BURNS**, late of Clarks Summit, Lackawanna County, Pennsylvania (died January 6, 2021). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Timothy John Burns, Executor, c/o to Richard G. Reed Esquire of Kreder Brooks Hailstone LLP, 220 Penn Avenue, Suite 200, Scranton, Pennsylvania 18503.

ESTATE OF MARION B. GERRITY A/K/A MARION BEATRICE GERRITY, late of Throop, Lackawanna County, PA, (died January 20, 2021). Letters Testamentary were granted to Gerald Carpenter. Creditors present claims and debtors make payment to the Executor, or to Kim A. Giombetti, Esq., The Ritz Building, 222 Wyoming Avenue, Scranton, PA 18503, Attorney for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF VERONICA W. JAEGER**, (date of death: January 4, 2021) late of South Abington Township, 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: KARL H.

LACKAWANNA JURIST

JAEGER, EXECUTOR, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF JOHN J. JASTRZEMBSKI, DECEASED, late of 58 LOCUST LN., GOULDSBORO, PA 18424, (Died January 29, 2021) ROBERT JASTRZEMBSKI, Executor; Dante A. Cancelli, Suite 260, 125 N. Washington Ave., Scranton, Pennsylvania 18503, Attorney.

ESTATE OF HAROLD W. JERAULD, late of LaPlume Township, Lackawanna County, Pennsylvania (died March 25, 2020). 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 William Bly Jerauld, Administrator, P.O. Box 33, LaPlume, Pennsylvania 18440 or to Travis M. Eckersley, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

ESTATE OF JOSEPHINE PANE late of Dunmore, Lackawanna County, Pennsylvania (died February 24, 2021). Notice is hereby given that Letters Testamentary have been issued to Lesa M. Ricciardi, 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 Lesa M. Ricciardi, c/o John J. McGee, Attorney for the Estate, P.O. Box 3298, Scranton, PA 18505.

ESTATE OF JOHN A. RETTURA, DECEASED, late of Scranton, Lackawanna County, Pennsylvania, (died February 5, 2021). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

RE: **ESTATE OF MARIA RUSSELLO**, late of Scranton, Lackawanna County, Pennsylvania (died February 18, 2021). Notice is hereby given that Letters Testamentary for the Estate have been issued to Antoinette Griffin and Charles Russello, Executors 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 Executors, or to John J. McGovern, Jr., Attorney for the Estate, 321 Spruce Street - Suite 201, Scranton, PA 18503.

ESTATE OF JOHN RAMSEY SIMPSON, JR., late of Dalton, Lackawanna County, Pennsylvania (died January 20, 2021). Letters Testamentary have 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 Dawn Richards, Executrix, of 307 West Main Street, PO Box 414, Dalton, Pennsylvania 18414 or to James W. Reid, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

Notice is hereby given that Letters of Testamentary have been granted in the **ESTATE OF FREDERICK SMITH, JR., A.K.A. FREDERICK CLEVELAND SMITH**, late of 150 Edella Road, Clarks Summit, PA 18411 (Date of death: January 13, 2021). All persons indebted to said estate are required to make payments and those having claims or demands to present the same without delay to the Executor, Bruce F. Smith, 7 Cedar Circle, Hazleton, PA 18202, or: Donald G. Karpowich, Esquire, 85 Drasher Road, Drums, PA 18222.

RE: **ESTATE OF RITA T. WARNER, A/K/A RITA WARNER**, late of the City of Scranton, Pennsylvania (died

February 8, 2021). Notice is hereby given that Letters Testamentary for the Estate of Rita T. Warner, a/k/a Rita Warner, have been issued to Sharon Ann Kippycash, a/k/a Sharon Kippycash, 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 at 710 Jefferson Blvd., Jefferson Township, PA 18436, 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 in the **ESTATE OF HOMER C. YOUNG**, (Date of Death: December 17, 2020) late of Clarks Summit, 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: AMY J. AYERS, EXECUTRIX, BRENDA D. COLBERT, ESQUIRE, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

Third Notice

ESTATE OF JOYCE M. EASON A/K/A JOYCE EASON, late of Madison Township, Lackawanna County, PA, Kenneth D. Eason, 90 Savitz Road, Moscow, PA 18444, Executor; Nicholas A. Barna, 207 Tenth Street, Honesdale, PA 18431, Attorney.

ESTATE OF LOIS J. FADDEN, late of the Borough of Peckville. Letters of Administration in the above Estate having been granted to the undersigned, all persons indebted to the Estate are requested to make payment, and those having claims to present the same, without delay to: Tony Pirrami, Administrator, 12 Flora Drive, Peckville, PA 18452 or to the attorney: Latisha Bernard Schuenemann, Esquire, Leisawitz Heller Abramowitch Phillips, P.C., 2755 Century Boulevard, Wyoming, PA 19610.

ESTATE OF EUGENE J. GALLAGHER late of Clarks Summit, Lackawanna County, Pennsylvania (died December 21, 2020). Notice is hereby given that Letters Administration have been issued to Beth Gallagher, 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 Beth Gallagher, c/o John J. McGee, Attorney for the Estate, P.O. Box 3298, Scranton, PA 18505.

Notice is hereby given that Letters Testamentary have been granted to Janine Crissey, Executrix of the **ESTATE OF PETER HNATUSKO**, late of Covington Township, who died on November 11, 2020. 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 Administrator or to Raymond C. Rinaldi, II, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA, 18501.

ESTATE OF PHYLLIS KNIPPER, late of Archbald, Lackawanna County, Pennsylvania. Notice is hereby given that Letters of Testamentary on the above estate have been granted to Amy Pawlikowski, Executrix. All person indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executrix named herein, or to Stephen T. Kopko, Esquire, Cummins Law, 610 Morgan Highway, Clarks Summit, PA 18411.

ESTATE OF HELEN F. LISIEWSKI AKA HELEN LISIEWSKI, late of Scranton, PA (died January 26, 2021).

LACKAWANNA JURIST

Joseph E. Lisiewski, Executor, Chester M. Bestrycki, Jr., Attorney for the Estate, Law Offices of Chester M. Bestrycki, Jr., 135 Phinney Street, Scranton, PA 18505.

ESTATE OF FLORENCE R. MAGNOTTA, deceased of the Borough of Dunmore, Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Carissa Marie Gilboy and Mary Ann Conway, Co-Executors, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to their attorney, Anthony J. Magnotta, Esquire, 1307 Purdytown Turnpike, Suite A, Lakeville, PA 18438

ESTATE OF THOMAS STEVEN PELAK, late of Mayfield, PA. Kathleen Pelak, c/o David W. Crosson, Esq., Crosson Richetti & Daigle, LLC, 609 W. Hamilton St., Suite 210, Allentown, PA 18101, Administratrix. Crosson Richetti & Daigle, LLC, 609 W. Hamilton St., Suite 210, Allentown, PA 18101

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF BETTY MARIE PISARSKI**. Deceased, late of Jefferson Township, PA who died on January 26, 2021, to Michael P. Pisarski. 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 Administrator, Michael P. Pisarski, 132 George Drive, Jefferson Township, PA 18436, or to Michael J. Krushinski, Esquire, Attorney for the Estate at 418 Main Street, Dickson City, PA 18519.

In the **ESTATE OF JULIUS J. PREZELSKI**, late of Moosic, Lackawanna County, Pennsylvania. Letters Testamentary in the above estate have been granted to Janis Vollkommer. All persons indebted to said estate are requested to make prompt payment and all having claims against said estate will present them without delay to: Marissa McAndrew, Esquire, Brieche Law Offices, PC, 707 Main Street, PO Box 157, Forest City, PA 18421. Attorney for the Estate

Notice is hereby given that Letters of Administration have been granted in the following Estate. All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same without delay to the Administrator named. **ESTATE OF MARLENE TAGLIATERRA**, Old Forge, PA. Renee Tagliaterra, Administrator; Rocco V. Valvano, Jr., Esquire, Attorney, 321 Spruce Street, Suite 201, Scranton, PA 18503.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF URSULA TAGLIATERRA**, late of Borough of Old Forge, Lackawanna County, who died June 20, 2019. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Co-Administrator, Brian Rodell, and his Attorney. **DAVID CHERUNDOLO, ESQUIRE**, 410 JEFFERSON AVENUE, SCRANTON, PA 18510.

ESTATE OF MARY ANN WARE, late of Clarks Summit, Lackawanna County, Pennsylvania (died November 5, 2020). Letters Testamentary 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 decedent shall make payment thereof without delay to Tami Ware Thompson, 407 Winola Road, Clarks Summit, PA 18411, Executor, or to Kimberly Kost Scanlon, Esquire, of Oliver, Price & Rhodes,

Attorneys for the Estate, 1212 S. Abington Road, P.O. Box 240, Clarks Summit, PA 18411.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania for **CHRISTIAN SERVICES OF NORTHEASTERN PENNSYLVANIA, INC.** on January 28, 2021. This corporation has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

Morris I. Raub, Esquire
407 Brookview Lane
Clarks Summit, PA 18411
T1-4/2

ARTICLES OF INCORPORATION

Hartford St., Inc has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

T1-4/2

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved on October 28, 2020 in accordance with the provisions of the Business Corporation Law of December 21, 1988, as amended and supplemented, for the incorporation of **Gold Crown Farms PA, LLC**.

Tullio DeLuca, Esquire
T1-4/2

FICTITIOUS NAME

An application for registration of the fictitious name best buy and sell, 1120 Moosic St, Scranton, PA 18505 has been filed in the Department of State at Harrisburg, PA, File Date 10/28/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Juan M Valdez, 1120 Moosic St, Scranton, PA 18505.

T1-4/2

CHANGE OF NAME

Notice is given that Dalila Angeli Rodriguez has filed a Petition for Change of Name from Dalila Angell Rodriguez to Dalila Angeli Ortiz Rodriguez. A Hearing will be held on April 29, 2021 at 9:30 a.m. at the Lackawanna County Courthouse.

T1-4/2

LACKAWANNA JURIST

T1-4/2

CHANGE OF NAME

Change of Name in the Court of Common Pleas of Lackawanna County, Orphans Court Division, No.A8-2021 Notice is hereby given that on the 23rd day of March, 2021, the Petition of William F. Rinaldi and Susan E. Rinaldi was filed in the above-named Court, requesting an Order to Change the Name of Nautis Nicole Kenderdine to Nautis Lillian Rinaldi. The Court has fixed the 9th day of April, 2021 at 11:30 a.m., at the Lackawanna County Government Center at the Globe, 200 Wyoming Avenue, Scranton, Pennsylvania, Courtroom C, 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 Petitioners should not be granted.

BY THE COURT:
Chester N. Bestrycki, Jr., Esq.
T1-4/2

NOTICE

NOTICE IS HEREBY GIVEN to Defendants, Rock Rental Homes, LLC and Michael Nunez, that on October 21, 2021, Plaintiff, Cathy Sue Flynn, commenced a civil action against you to No. 20-CV-4080 in the Office of the Clerk of Judicial Records of Lackawanna County, Pennsylvania. Plaintiff alleges in the Complaint that you knowingly and/or fraudulently failed to disclose material defects at the property which was sold to her by you in Taylor, Pennsylvania so as to cause Plaintiff to suffer injuries and other damages in a value in excess of \$11,000.00. Plaintiff claims that you are responsible for and should have to pay these damages.

You are notified to appear and defend this action within thirty (30) days of the publication hereof, and if you do not appear and defend this action, a decree will be entered against you that the Plaintiff has a Judgment against you.

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 will proceed without you and judgment will be entered against you without further notice. You may lose money or property or other rights important to you.

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

North Penn Legal Services, Inc.
33 North Main Street, Suite 200
Pittston, PA 18640
Phone: (570) 299-4100

CAVERLY, SHEA, PHILLIPS & RODGERS
JESSICA L. PLESKACH, ESQUIRE
Attorney for Plaintiff
(570) 823-0101