

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Tallo v. Park Drive Development Co., 2017 WL 2266078 (Lacka. Co. 2017)

DATE OF DECISION: May 23, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: Ryan P. Campbell, Esquire, Counsel for Plaintiff
Gregory J. Kelley, Esquire, Counsel for Defendant

SUMMARY OF OPINION:

The contractor in this home construction litigation filed preliminary objections seeking to dismiss the homeowner's promissory estoppel claim since the homeowner had also alleged a breach of contract claim, and to strike her claim for negligent hiring/supervision. Pa.R.C.P. 1020(c) permits a plaintiff to plead alternative causes of action even if they are inconsistent, and a plaintiff may plead promissory estoppel as an alternative cause of action to a breach of contract claim. Furthermore, Pennsylvania recognizes a cause of action for negligent hiring/supervision under the Restatement (Second) of Agency § 213 subjecting a defendant to liability for harm resulting from the negligent employment of "improper persons or instrumentalities" or "in the supervision of the activity." In light of the homeowner's averments that the contractor retained unqualified subcontractors and neglected to oversee or supervise their performance, she sufficiently stated a claim for negligent hiring/retention.

JUDICIAL OPINION

CASE NAME AND NUMBER: Kistler v. Courtright, 2017 WL 2304043 (Lacka. Co. 2017)

DATE OF DECISION: May 25, 2017

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED: John M. Kistler, Self-represented
Michael J. O'Brien, Esquire, Counsel for Defendants

SUMMARY OF OPINION:

A property owner, whose building was condemned in 2011 and scheduled for demolition in 2015, filed an action against the City seeking injunctive relief and compensatory damages. The record established that the owner never challenged the 2011 condemnation, but did administratively contest the 2015 demolition determination by filing an appeal to the Housing Appeals Board, which appeal remained pending. The City defendants filed preliminary objections seeking to dismiss the civil action pursuant to Pa.R.C.P. 1028(a)(7) for failing to exercise or exhaust administrative remedies. By neglecting to appeal the 2011 condemnation determination to the Housing Appeals Board, the homeowner failed to exercise his available administrative remedy. Additionally, inasmuch as the administrative appeal of the 2015 demolition order remained pending before the Housing Appeals Board, the homeowner had not exhausted his available administrative remedy, such that his request for judicial relief was premature. Accordingly, the preliminary objections based upon plaintiff's failure to exercise or exhaust his administrative remedies were sustained.

ESTATES

First Notice

ESTATE OF MAURINA ANGELINE, Late of Clarks Summit, Pennsylvania (Died June 28, 2017). Letters Testamentary having been granted to Marianne Farrington, Executrix. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 415 Wyoming Avenue, Scranton, Pa 18503.

ESTATE OF FRANK JAMES BRENZEL, SR., DECEASED, late of 424 HIGH STREET, ARCHBALD, PA 18403, (Died JUNE 15, 2017). NAN ELIZABETH BRENZEL, Executrix; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

ESTATE OF FRANCIS A. BUSHTA, late of the Borough of Archbald, Lackawanna County, Pennsylvania, Date of Death 03/15/2017, Executor: John Bushta, P. Timothy Kelly, Esquire, Needle Law, P.C., 240 Penn Avenue – Suite 202, Scranton, PA 18503.

ESTATE OF THOMAS G. CAVANAUGH, Late of Scranton, Pennsylvania (Died June 15, 2017). Letters Testamentary having been granted to Sharon L. Evans. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 415 Wyoming Avenue, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF CAMILLE M. GROVER**, Deceased, late of Clarks Summit, Lackawanna County, Pennsylvania, 18411, who died on May 3, 2017. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Executors, Kirsten Ericksen-Read and Francis Dougher, or John P. Sanderson, III, Attorney for the Estate - Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

Estate Notice is Hereby Given that Letters of Testamentary have been have been Granted in the **ESTATE OF MILDRED S. NOVACK**, late of Roaring Brook Township, Lackawanna County, Pennsylvania, who died 3/20/2017. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Administrator, Valerie R. Bogart, 6 Devonald Drive, Asbury, NJ 08802. Justin J. Sullia, Esq.

RE: **ESTATE OF JOHN KUCHKO**, NOTICE IS HEREBY GIVEN that Letters Testamentary in the Estate of JOHN KUCHKO, late of the City of Scranton, Lackawanna County, Pennsylvania, (Date of Death: April 12, 2017), 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: MARGARET VAZQUEZ, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 1807.

In Re: **ESTATE OF JANET A. RUDAT**, late of the South Abington Township, died July 5, 2017. 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 Keith P. Rudat, Executor, 16 Meer Drive, Feasterville, PA 19053, or Attorney Robert C.

Robinson, Robinson & Robinson Law, LLC, 142 N. Washington Avenue, Suite 701, Scranton, PA 18503.

ESTATE OF GLORIA C. SNYDER, late of Scott Township, Pennsylvania (Died: June 30, 2017). Benjamin James Collins, Executor or Albert E. Nicholls, Jr., Attorney for the Estate, 1421 E. Drinker Street, Dunmore, Pennsylvania 18512.

ESTATE OF MARIE THERESA STEVENS A/K/A MARIE T. STEVENS, Deceased, date of death: April 29, 2017, late of Scranton, Lackawanna County, Pennsylvania. Letters of Testamentary have been granted in the Estate of Marie Theresa Stevens a/k/a Marie T. Stevens, Deceased to Julianna Fiorillo, Executrix, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503. All persons having claims against the estate are requested to present them in writing and all persons indebted to the estate to make payment to it in care of the Attorney noted above.

Second Notice

ESTATE OF EDWARD M. BUSH, SR., late of Clarks Summit, Pennsylvania (died 05/05/2017). Notice is hereby given that Letters of Testamentary on the above estate have been granted to Linda R Bush, n/b/m Linda B Hallen, of Dalton, PA 18414, Executrix. All persons 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 Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

ESTATE OF JOSEPH M. CHERVINAK, DECEASED, late of 144 WEST STREET, EYNON, PA 18403, (Died MAY 22, 2017) MARIAN M. CASTNER, Executrix; Mark G. Rudalavage, 171 Scranton-Carbondale Highway, Eynon, Pennsylvania 18403-1027, Attorney.

RE: **ESTATE OF IGNATZ DEUTSCH**, late of Scranton, Pennsylvania (died February 4, 2017). Notice is hereby given that Letters Testamentary for the Estate of Ignatz Deutsch have been issued to Jacques Deutsch and Jonathan Deutsch, 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 at 76 Wynnedale Road, Narberth, PA 19072 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF FRANCESCO DIMATTEO, late of Peckville, Lackawanna County, Pennsylvania, (died June 19, 2017). 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.

Letters of Administration have been granted on the **ESTATE OF RICHARD L. HUGHES**, to Wendy Warunek. Make all claims and pay all debts to this representative without delay, care of the estate attorney. Attorney John J. Mercuri, PO Box 310, Moscow, PA 18444.

ESTATE OF MARY B. MALCOLM, DECEASED LATE OF SCRANTON, PENNSYLVANIA (DIED DECEMBER 20, 2016). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Michael Hacker, Executor, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

Third Notice

ESTATE OF JACQUELINE PLISKO, Late of Moosic Borough, PA (DIED April 25, 2017), Edward J. Plisko, Jr., Administrator, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA, 18507-1017.

RE: **ESTATE OF HENRY J. ROBINSON**, NOTICE IS HEREBY GIVEN that Letters Testamentary in the ESTATE OF HENRY J. ROBINSON, late of the Borough of Archbald, Lackawanna County, Pennsylvania, (Date of Death: April 19, 2017), 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: ANN GEOFFROY, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF DOROTHY SEARFOSS, Deceased, date of death: March 14, 2017, late of Clarks Summit, Lackawanna County, Pennsylvania. Letters of Testamentary have been granted in the Estate of Dorothy Searfoss, Deceased to Laura S. Angelo, or Powell Law Attorneys, 527 Linden Street, Scranton, PA 18503. All persons having claims against the estate are requested to present them in writing and all persons indebted to the estate to make payment to it in care of the Attorney noted above.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF MARY J. SOARES**, Deceased, late of Archbald, PA who died on May 13, 2017, to Evelyn L. Soares. 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 the Executor, Evelyn L. Soares, 1330 Winton Street, Archbald, PA 18403 or to Michael J. Krushinski, Esquire, Attorney for the Estate at 418 Main Street, Dickson City, PA 18519.

ESTATE OF THERESA E. STONER, DECEASED, late of Nanticoke, Luzerne County, PA. (Died December 9, 2016). Letters of Administration have been granted to Adam T. Stoner, 39 South Main Street, Pittston, PA, 18640.

ESTATE OF PHILOMENA THIEL, late of 1507 Summit Pointe Drive, Scranton, Lackawanna County, Pennsylvania 18508 (died May 27, 2017). Letters of Administration 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 Valerie A Thiel, Administrator, 1512 Summit Pointe Drive, Scranton, Pennsylvania, 18508, or to James J. Gillotti of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted to Suzanne Telipski, Administrator of the **ESTATE OF RONALD L. TELIPSKI**, deceased, who died on January 10, 2017, late of Moosic, Pennsylvania. All persons indebted to the estate are required to make payment and those having any claims or demands are to present the same, without delay, to the Administrator, Suzanne Telipski, c/o her attorney Carlo A. LaMonica, Esquire, LaMonica Law Firm LLC, 3738 Birney Avenue, Moosic, PA 18507.

ALBERT YANULITIS, deceased, late of Scranton, PA (died June 5, 2017). Letters Testamentary 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 payment thereof to Joan Linn or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Spruce Street, Scranton, PA 18503-1816.

ESTATE OF DONALD M. BAILEY, late of Scranton (died January 17, 2017), COLLETTE HOUSTON-ONG, Executrix, c/o Michael F. Bailey, Esquire, 4099 Birney Avenue, Moosic, PA 18507.

ESTATE OF MARGARET L. CONSERETTE, late of the Borough of Archbald, Lackawanna County, Pennsylvania, (died March 14, 2017). Notice is hereby given that Letters Testamentary on the above estate have been issued to Rene Bornstad and Wayne Conserette, Personal Representatives of the 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 Personal Representatives or to Guy N. Valvano, Esquire, 117 W. Drinker Street, Dunmore, PA 18512, Attorney for the Estate.

ESTATE PHILLIP HODGES, file number 2016-01397, late of Fell Township, Lackawanna County, PA (Date of death: 11/15/2016). Janet Jean Zaleski was appointed Executrix on December 15, 2016. Jeffery A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

RE: **ESTATE OF KENNETH H. HOPKINS**, late of Clarks Summit, Lackawanna County, Pennsylvania. Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Katherine S. Hopkins, Executrix, or to David K. Brown, Esquire of Kreder, Brooks, Hailstone LLP, 220 Penn Avenue, Suite 200, Scranton, Pennsylvania 18503.

ESTATE NOTICE Re: **PAUL W. INGRAM**, late of Dalton, Lackawanna County, Pennsylvania, who died January 26, 2017. 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 said decedent shall make payment thereof without delay to: Kevin McGuinness, Executor, c/o Paul J. LaBelle, Esquire, 3703 Birney Avenue, Moosic, Pennsylvania 18507.

ESTATE OF SIMONE M. KIVEN, late of the City of Scranton, Lackawanna County, Pennsylvania (died April 5, 2017). Personal Representative is Eric R. Bodner. Attorney for the Estate is Kevin C. Messett, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503.

ESTATE NOTICE Re: **DEBORAH J. KRUPSKI**, late of Scranton, Lackawanna County, Pennsylvania, who died February 10, 2017. Grant of Letters 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: Billie Jean Guzzon, Administrix, c/o John T. O' Malley, Esquire, 421 South State Street, Clarks Summit, Pennsylvania 18507.

RE: **ESTATE OF MARY K. LALICKI**, NOTICE IS HEREBY GIVEN that Letters Testamentary in the ESTATE OF MARY K. LALICKI, late of the City of Scranton, Lackawanna County, Pennsylvania (Date of Death: April 12, 2017), 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: TRACI L. ADOMIAK, EXECUTRIX, BRENDA D. COLBERT, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507.

ESTATE OF STEPHANIE SOKOL LINDEMANN, DECEASED, late of 113 DELAWARE STREET, ARCHBALD, PA 18403, (Died APRIL 27, 2017). SONYA SOKOL ALLEGER AND BARBARA SOKOL MARINO, Co-

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Executrices; Dante A. Cancelli, Esquire, Suite 401, 400 Spruce Street, Scranton, Pennsylvania 18503, Attorney.

Estate Notice is Hereby Given that Letters of Testamentary have been granted in the **ESTATE OF ALFRED MURSCH, JR.**, late of the City of Scranton, Lackawanna County, Pennsylvania, who died 12/24/2016. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Executrix, Mary Caroline Hendricks, 2230 Kelly Avenue, Scranton, Pennsylvania 18508. Justin J. Sulla, Esq.

ESTATE OF DOROTHY M. NAGURNEY, DECEASED LATE OF SCRANTON, PENNSYLVANIA (DIED MAY 5, 2017). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to David Nagurney, Administrator, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

In re: **ESTATE OF ROSE PAONE, A/K/A ROSE MARIE PAONE**, late of Archbald, Lackawanna County, PA (died June 4, 2017). Letters of Administration in the above Estate having been granted, all person 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 the Estate Personal Representative, Anna Yendrey, or to Joseph S. Toczylowski, Jr., Esquire, 392 North Main Street, Archbald, PA 18403.

ESTATE JOSEPH P. SHEROSHIK, Jr., file number 35-17-00666 late of Olyphant, Lackawanna County, PA (Date of death: 04/26/2017). Rebecca Lynn Sheroshik was appointed Testatrix on June 12, 2017. Jeffery A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

RE: **ESTATE OF THOMAS P. WALSH**, late of Blakely, Pennsylvania (died June 28, 2013). Notice is hereby given that Letters of Administration for the Estate of Thomas P. Walsh have been issued to Francis B. Walsh, Administrator 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 Administrator at 111 Upper Knapp Road, Clarks Summit, PA 18411 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE KENNETH T. WEARNE, file number 35-17-00176 late of Scotts Township, Lackawanna County, PA (Date of death: 01/27/2017). April C. Wearne and Kenneth J. Wearne was appointed co-Administrators on February 13, 2017. Jeffery A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on November 20, 2014 for the purpose of obtaining a certificate of incorporation pursuant to the provisions of the Business Corporation Law of the Commonwealth of 1988, as amended and supplemented. The name of the corporation is **AMERICAN CONTAINER PROCESSORS, INC.** The principal place of business is 213 R. North State Street, Clarks Summit, Pennsylvania.

STEPHEN J. EVERS, ESQUIRE,
t1-July 21

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 21, 2017: **JMS NEPA Management Corporation**, 426 Jessup Avenue, Dunmore, PA 18512. The Corporation has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

t1-July 21

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 21, 2017: **D7 SOLUTIONS, INC.**, 320 Willow Street, Scranton, PA 18505. The Corporation has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

t1-July 21

ARTICLES OF INCORPORATION

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 22, 2017: **Gertrude Hawk Holdings, Inc.**, 9 Keystone Industrial Park, Dunmore, PA 18512. The Corporation has been incorporated under the provisions of the Business Corporation Law of 1988, as amended.

Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103
t1-July 21

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT a Certificate of Organization for Domestic Limited Liability Company of **1955 NR BLVD LLC** was filed with and approved by the Pennsylvania Department of State on June 16, 2017, in accordance with the provisions of the Pennsylvania Limited Liability Company Law of 1994.

OLIVER, PRICE & RHODES
t1-July 21

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT a Certificate of Organization for Domestic Limited Liability Company of **S.A.M. Distributors, LLC** was filed with and approved by the Pennsylvania Department of State on July 7, 2017 in accordance with the provisions of the Pennsylvania Limited Liability Company Law of 1994.

O'Malley, Harris, Durkin & Perry, PC
t1-July 21

LACKAWANNA JURIST

NOTICE

“NOTICE TO LEGATEES”

To all legatees, creditors and other persons interested. Notice is hereby given that the following Executors, Administrators, Trustees, and Guardians have filed their accounts with the Register of Wills and Clerk of Orphans' Court, Division of the Court of Common Pleas.

The following accounts have been filed and may be examined in the Office of the Register of Wills and Clerk of Orphans' Court. If you desire to object, the same may be accomplished by filing that objection in writing with the Clerk of Orphans' Court **on or before Monday, the 31st day of July, 2017.**

The accounts will be filed by the clerk, with the Court for adjudication And conformation on **Tuesday, the 1st day of August, 2017.** Distribution may be ordered or authorized without further notice if no objections are filed prior to that date.

35-1962-837 Beatrice B. Aronsohn Trust	First & Final Accounting PNC Bank N.A. Trustee. Alan Hollander, Esq
35-1971-140 Milton Aronshon Trust	First & Final Accounting PNC Bank N.A. Trustee Alan Hollander, Esq
35-2017-729 Lenore Betty Tannenbaum Trust	First & Final Accounting PNC Bank N.A. Trustee Richard S. Bishop, Esq.

t1-July21