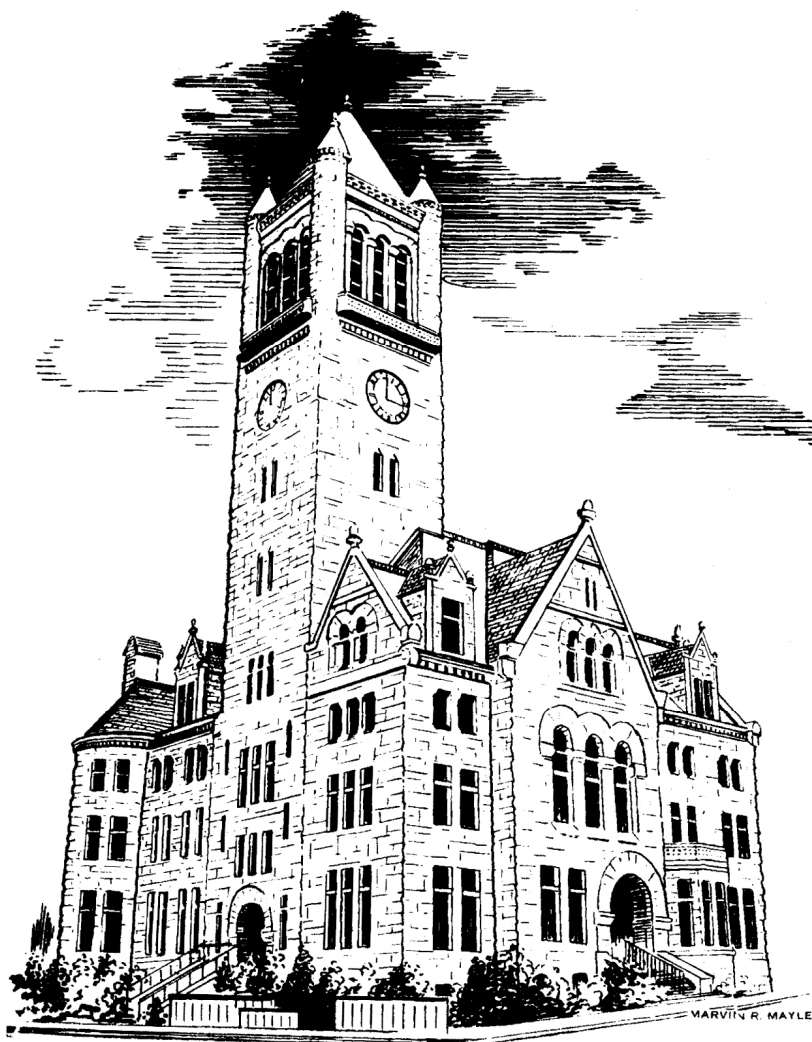


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

FRANK W. BELL, late of Bullskin Township, Fayette County, PA (3)

Executor: Mark W. Bell
c/o Snyder & Snyder at Law PLLC
17 North Diamond Street
Mount Pleasant, PA 15666
Attorney: Marvin Snyder

TERRY FURAJTER, SR., late of North Union Township, Fayette County, PA (3)

Administrator: Terry L. Furajter, Jr.
11417 Woodview Drive
Hagerstown, Maryland 21742
c/o P.O. Box 488
California, PA 15419
Attorney: Lisa Buday

CALVIN L. HUGHES, late of Bullskin Township, Fayette County, PA (3)

Executor: Barry Stoots
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

LISA KREPPS, late of Acme, Fayette County, PA (3)

Executrix: Jennifer Grisenthwaite
225 County Line Road
Acme, PA 15610
c/o Bononi & Company PC
20 North Pennsylvania Avenue
Greensburg, PA 15601
Attorney: Eric Bononi

CLEO KEVIN MCLEE, late of Uniontown, Fayette County, PA (3)

Administratrix: Adrienne D. McLee
c/o Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

MARY LOUISE OMATICK, a/k/a MARY L. OMATICK, a/k/a MARY OMATICK, late of Dunbar Township, Fayette County, PA (3)

Executor: Michael J. Omatick, Jr.
201 Kimberly Drive
Dunbar, PA 15431
c/o John M. Ranker & Associates PC
140 South Main Street, Suite 301
Greensburg, PA 15601
Attorney: John M. Ranker

GLORIA JEAN SCHMIDT, late of South Connellsville, Fayette County, PA (3)

Administrator: James William Schmidt
1018 Brinton Avenue
Pitcairn, PA 15140
c/o John B. Zonarich, Mette
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110-0950
Attorney: John B. Zonarich

ROSS PRESLEY STICKLE, late of Uniontown, Fayette County, PA (3)

Executrix: Charlotte Stickle
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette Tummons

DONNA JEAN TEWELL, late of South Union Township, Fayette County, PA (3)

Administrator: Wade Tewell
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

Second Publication

DORIS J. DISANTO, late of North Union Township, Fayette County, PA (2)

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 (2)

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

MARY CATHERINE KEENER, late of German Township, Fayette County, PA (2)

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 (1)

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 (1)

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 (1)

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

First Publication

JAMES D. HAGER, late of Georges Township, Fayette County, PA (1)

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 (1)

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 (1)

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

STEVEN E. KOOSER, late of Bullsken Township, Fayette County, PA (1)

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 (1)

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 (1)

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

LEGAL NOTICES

Fictitious Name Registration

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on May 27, 2025 for Sims Care with a principal place of business located at 30 Millview St., Uniontown, PA 15401. The individual interested in this business is Linda Simsa, also located at 30 Millview St., Uniontown, PA 15401. This is filed in compliance with 54 Pa.C.S. 311.417

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JUDICIAL OPINION

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

JENNA ANSEL, parent and legal	:
guardian of minor, RAI'LYNN ANSEL,	:
Plaintiff,	:
v.	:
DANIEL L. FITZPATRICK and	:
MARY RILEY,	: No. 922 of 2023
Defendants.	: President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J.

July 21, 2025

Before the Court is the Motion for Summary Judgment filed by Defendant, Daniel Fitzpatrick. This matter concerns dog bites and lacerations the minor Plaintiff, Rai'Lynn Ansel, sustained on March 31st, 2022, at a home located at 108 Bailey Avenue, Uniontown, Pennsylvania. ("Property"). Defendant, Mary Riley, was a tenant in the Property, and Defendant, Daniel Fitzpatrick, was her landlord. Riley's lease permitted her to keep a dog on the Property, and she did, in fact, have a dog named "Ranger" at the time of the incident. On that day, Plaintiff was at the Property when she was attacked by Ranger, suffering lacerations to her face, neck, and arm as a result. Riley later pled guilty to a summary charge of a dog inflicting severe harm to a human being without provocation on public or private property. {1}

Summary judgment is governed by Rule 1035.2 of the Pennsylvania Rules of Civil Procedure. A record that supports summary judgment will either show the material facts are undisputed or contain insufficient evidence of facts to make out a prima facie cause of action or defense, leaving no issue to be submitted to the fact finder. *DeArmitt v. New York Life Ins. Co.*, 73 A.3d 578, 586 (Pa. Super. 2013). 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). The reviewing court must view the record in the light most favorable to the nonmoving party and resolve all doubts as to the existence of a material fact against the moving party. *Id.* Fitzpatrick contends that Plaintiff Ansel has failed to produce sufficient evidence to establish that Fitzpatrick owed her a duty of care.

In general, an out-of-possession landlord is not liable for attacks by animals kept by a tenant. However, a landlord has a duty to use reasonable care to prevent injuries if the landlord has knowledge of a dangerous animal on the premises and the landlord has the right to control or remove the animal by retaking the premises. *Rosenberry v. Evans*, 48 A.3d 1255, 1258 (Pa. Super. 2012). The landlord must have actual knowledge of the dangerous tendencies of the dog; it is insufficient to establish that the landlord "should have known" of the dangerous condition. *Id.*, at 1259, 1263.

{1} 3 P.S. §459-502-A §§A1i

In opposition to the Motion for Summary Judgment, Plaintiff identifies certain evidence in the record in support of her claim. Desiree Fitzpatrick, who was listed as Ranger's owner in the veterinary records, is Defendant Fitzpatrick's nephew's daughter. Fitzpatrick originally purchased the Property for the benefit of Desiree Fitzpatrick, who resided there for approximately 3-4 months, after which Mary Riley, Desiree's Mother, moved in with three of her children. {2} Fitzpatrick paid for the dog's veterinary care when the dog was admitted to Cheat Lake Animal Hospital for treatment for parvo and had at least one phone conversation with the veterinarian's office regarding the dog's treatment, which is reflected in the veterinary records. Defendant Fitzpatrick had prior text conversations with Dakota Riley, Mary Riley's son, on general subjects prior to the incident and had one or more conversations about the incident after it occurred. {3}

Even when all of the evidence in the record is viewed most favorable to the Plaintiff, Plaintiff has failed to produce sufficient evidence to demonstrate or to reasonably infer that Defendant Fitzpatrick had actual knowledge of the dog's dangerous tendencies. Plaintiff cites Fitzpatrick's family connections to Mary Riley as evidence that Fitzpatrick had communications beyond the typical landlord tenant relationship and cite to the medical records as proof that the dog had vicious tendencies and that Fitzpatrick was involved with the dog's treatment beyond just paying the bill. The medical records do note that the dog was aggressive and had to be kept muzzled while in the hospital, limiting the options for treatment. On page 11 (of 17) of Exhibit "E" to Plaintiff's Response and Brief in Opposition, Dr. Partridge notes that the Owner (which the records list as Desiree Fitzpatrick) indicated that the aggressive behavior was typical of Ranger when he was scared and around unfamiliar people. Dr. Partridge goes on to note in the next paragraph that sick pets can become aggressive when in the hospital. However, the only note where the caller is identified as "owner's uncle" rather than "owner" is on p. 16 of 17, and this entry indicates that Dr. Stansbury discussed Ranger's nervousness at being in the hospital but makes no mention of any discussion about aggressive behavior.

Even if there was proof Defendant Fitzpatrick had discussed Ranger's aggressive behavior with one of the veterinarians, this would only be proof that the dog was aggressive while seriously ill and kept in a kennel in the hospital. The notation of Desiree Fitzpatrick's comment about Ranger normally being aggressive when scared and around unfamiliar people is the only thing in the medical records to suggest that Ranger had exhibited aggressive tendencies outside the hospital, and there is no evidence that Defendant Fitzpatrick was aware of those comments. Though Plaintiff has established that Defendant Fitzpatrick had significant contacts with Desiree Fitzpatrick and Dakota Riley, Plaintiff has produced no testimony or evidence that either of them actually discussed Ranger's aggression with Defendant Fitzpatrick prior to the incident.

{2} Mary Riley is the ex-girlfriend of Fitzpatrick's nephew and is not a blood relative of Fitzpatrick.

{3} Rai'Lynn Ansel testified in her deposition that Dakota Riley intentionally provoked Ranger into attacking her. Plaintiff has admitted that Dakota can be seen opening the door (which allows the dog to get out) on Ring Camera footage of the incident.

Though Plaintiff is correct that facts and circumstances may be used to infer knowledge on the part of a defendant in a dog bite case involving a landlord, citing Palermo by Palermo v. Nails, 483 A.2d 871, Palermo is clearly distinguishable. In Palermo, circumstantial evidence that the landlord knew about the dog's dangerous tendencies was buttressed by testimony from a police officer that he had specifically warned the landlord that the dog had bitten a child and should be kept tied up. There is no such direct evidence of knowledge here. Even when viewed in the light most favorable to her, Thomas can only establish, at best, that Defendant Fitzpatrick should have known that Riley had a dog with dangerous tendencies on the property, which is insufficient under Rosenberry to establish a duty of care for an out-of-possession landlord. Plaintiff has failed to produce sufficient evidence to establish a duty of reasonable care on the part of Defendant Fitzpatrick and therefore failed to establish a prima facie case for negligence. As a result, the Court must grant Defendant Fitzpatrick's Motion for Summary Judgment. Mary Riley remains a Defendant in the case.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 21st day of July, 2025, upon consideration of the Motion for Summary Judgment filed by Defendant, Daniel Fitzpatrick, Plaintiff's Response, and the briefs filed by the parties, the Motion is hereby GRANTED, and the case is DISMISSED with respect to Daniel Fitzpatrick ONLY, for the reasons set forth in the Opinion filed with this Order.

BY THE COURT:
STEVE. P. LESKINEN,
PRESIDENT 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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Attorneys admitted to practice in Pennsylvania after January 1, 2020

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- \$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.

