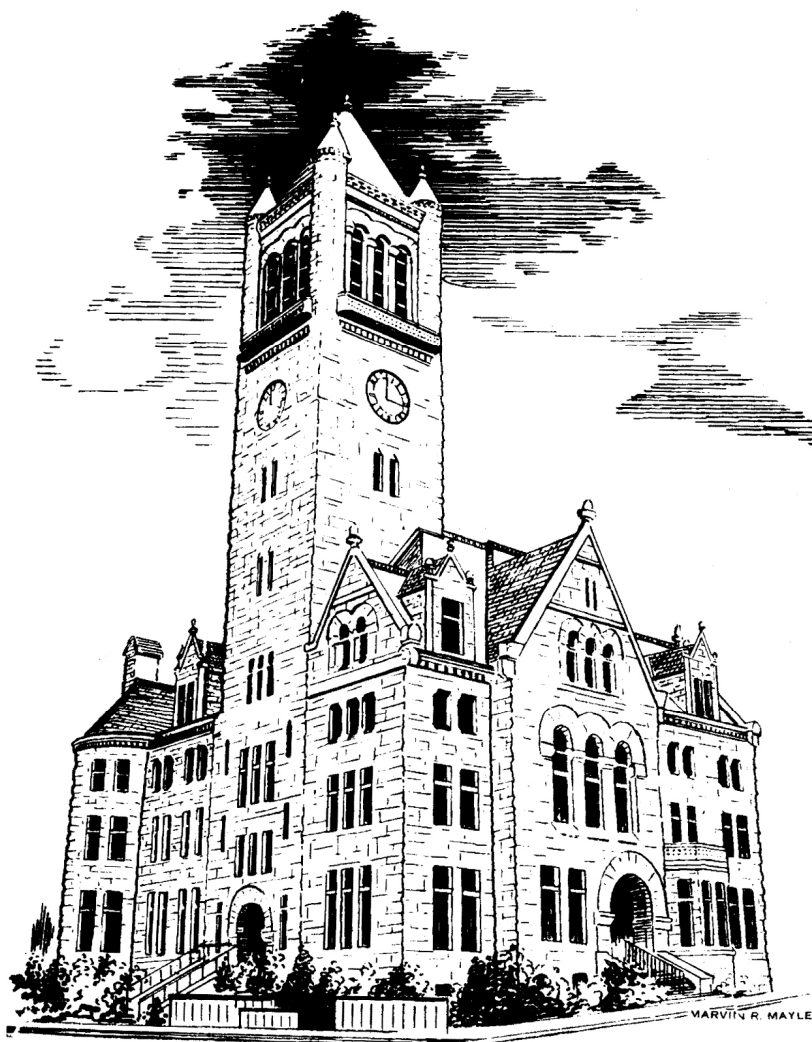


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ESTATE NOTICES

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

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

Co-Executor: Paul Robert Check and Donald Lloyd Check
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

SAMUEL E. CORELLA, late of Luzerne Township, Fayette County, PA ⁽³⁾

Executor: Juliet Corella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

PAUL MAMMARELLA, PAUL N. MAMMARELLA, late of Luzerne Township, Fayette County, PA ⁽³⁾

Executor: Mark A. Mammarella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

SANDRA MARY MCCLEAD, late of Masontown Borough, Fayette County, PA ⁽³⁾

Executor: Jason Robert McClead
300 4th Street
Monessen, PA 15062
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

DOROTHY F. RESETAR, late of South Union Township, Fayette County, PA ⁽³⁾

Executor: Rev. Eugene Yackanich
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

SARAH REYNOLDS, late of Washington Township, Fayette County, PA ⁽³⁾

Administratrix: Kathy M. Sedlock
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

ANTHONY K. SUNDAY, late of Smithfield Borough, Fayette County, PA ⁽³⁾

Executor: Shirley Johns
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

Second Publication

HUNTER K. BRADDEE, late of Smithfield, Fayette County, PA ⁽²⁾

Personal Representative: Amber Gibbs
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

NORMA COVILLE, a/k/a NORMA J. COVILLE, late of South Union Township, Fayette County, PA ⁽²⁾

Executor: Tanya Bartelo
16804 Dunswood Road
Northville, MI 48168
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: Ralph Barclay, Jr.

BETTY LOU DAVIS, a/k/a BETTY L. DAVIS, a/k/a BETTY DAVIS, late of Fairchance, Fayette County, PA ⁽²⁾

Administrator: Grant A. Adams
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ANDREW DUDA, a/k/a ANDREW M. DUDA, late of Washington Township, Fayette County, PA (2)

Executor: Andrew Mark Duda
320 Nomi Road
Fayette City, PA 15438
c/o 566 Donner Avenue
Monessen, PA 15062
Attorney: Aaron Bialon

MARIE MCKENNEY, late of Dunbar Borough, Fayette County, PA (2)

Administrator: Michele A. Pagen
696 Liberty Street
California, PA 15419
c/o P.O. Box 488
California, PA 15419
Attorney: Lisa Buday

BETTY MAE RABLE, a/k/a BETTY M. RABLE, late of Luzerne Township, Fayette County, PA (2)

Executor: James E. Rable, Jr.
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

DOLORES A. ROTH, a/k/a DOLORES ANN ROTH, late of South Union Township, Fayette County, PA (2)

Personal Representative: James E. Roth
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

MADELINE R. SMITLEY, a/k/a MADELINE SMITLEY, late of Uniontown, Fayette County, PA (2)

Co-Executors: Laura Leasure and Randy L. Smitley
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

FAYE M. SPRINGER, a/k/a FAYE SPRINGER, a/k/a LULA FAYE SPRINGER, late of South Union Township, PA (2)

Executrix: Debora Lynne Springer
c/o Zebley Mehalov & White, P.C.

18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Charles O. Zebley, Jr.

MARGARET A. ZDEHOVAN, a/k/a MARGARET ZEDHOVAN, late of Perry Township, Fayette County, PA (2)

Executor: Stephanie J. Gourn
628 Jefferson Road
Perryopolis, PA 15473
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Sheryl R. Heid

First Publication

JAMES BOYD, a/k/a JAMES S. BOYD, late of North Union Township, Fayette County, PA (1)

Administratrix: Melanie L. Boyd
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

LEOLA F. BRODERICK, late of North Union Township, Fayette County, PA (1)

Executor: Robert J. Broderick
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ALICE W. JEFFERYS, late of Uniontown, Fayette County, PA (1)

Executor: Lisa A. Jefferys
7706 Cypress Walk
Fort Myers, FL 33966
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

ROBERT LOWE, a/k/a ROBERT STANTON LOWE, a/k/a R. STANTON LOWE, late of Masontown Borough, Fayette County, PA (1)

Executor: Susan L. Kunkle
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

BETTY A. MCMANUS, late of Fairchance,
Fayette County, PA (1)

Administrator: Brian E. McManus
93 Sutton Avenue, Ext.
Hopwood, PA 15445
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

CHARLES F. PORTER, late of South
Connellsville, Fayette County, PA (1)

Executrix: Michelle Pisarski
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

DOROTHY M. YAKIMICK, late of
Connellsville, Fayette County, PA (1)

Executrix: Karen Y. Fish
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on September 4, 2018, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is GARRED FAMILY HOLDINGS, LLC having an address of 592 Old Rte. 51, Smock, Pennsylvania 15480.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on March 7, 2016 for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Superior Detail, LLC having an address of 375 Old Mill Road, Ohiopyle, Pennsylvania 15470.

John A. Kopas III, Esquire
556 Morgantown Road
Uniontown, PA 15401
Telephone: 724-437-1111

**TO: MICHAEL T. THOMAS, JR., and
DIANE L. THOMAS, their heirs and assigns,
and WILLIAM JOHN LIGHTBODY and
RUTH A. LIGHTBODY, their heirs and
assigns:**

You are hereby notified that ECC Electrical Construction Contractors filed its Complaint at No. 1969 of 2019, G.D., in the Court of Common Pleas of Fayette County, Pennsylvania, in an Action to Quiet Title wherein it is alleged that it is the owner in possession of a certain tract of land situate in Bullskin Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

ALL those certain lots number 1569 and 1570 in the Plan of Lots designated Bear Rocks Plan 11-B described in Plan Book 10, page 196, situate in Bullskin Township, Fayette County, Pennsylvania.

The Complaint asks the Court to decree that title to said real estate is in the plaintiff and to enjoin the defendants and their heirs and assigns, from setting up any title to said real estate and from impeaching, denying, or in any way attacking the plaintiffs title to the same.

You are hereby notified that you have been sued in court. If you wish to defend against the claims set forth in the Complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and

a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER 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). THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING ALAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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Vincent J. Roskovensky, II
Attorney for Plaintiff

you. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Pennsylvania Lawyer Referral Service, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, Pennsylvania 17108, (800) 692-7375.** McCabe, Weisberg & Conway, LLC, Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Philadelphia., PA 19109, 215-790-1010

Fayette County
Court of Common Pleas
Number: 1602 OF 2019 GD
Notice of Action in Mortgage Foreclosure

LSF10 Master Participation Trust, Plaintiff v.
Richetrina L. Fullard aka Trina L. Fullard
Known Surviving Heir of Millicent Sellers,
Jeanette L. Sellers Known Surviving Heir of
Millicent Sellers, and Unknown Surviving Heirs
of Millicent Sellers, Defendants

TO: Unknown Surviving Heirs of Millicent Sellers. Premises subject to foreclosure: 120 Brant Hoover Street, Belle Vernon, Pennsylvania 15012. NOTICE: 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 may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to

JUDICIAL OPINION

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

MICHAEL CARTWRIGHT,	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
HAYLE DENNIS,	:	No. 2224 of 2017, G.D.
Defendant	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J. September 27, 2019

Before the Court is a Motion for Partial Summary Judgment filed by Defendant, Hayle Dennis, alleging that Plaintiff, Michael Cartwright, did not sustain “serious injury” under the Pennsylvania Motor Vehicle Financial Responsibility Law (“MVFRL”) such that he would be entitled to recover non-economic damages.

STANDARD OF REVIEW

The standards for ruling on a motion for summary judgment are well-defined and clear. The court can grant summary judgment only in those cases where the record clearly demonstrates that there is no genuine issue of material fact, and that the moving party is entitled to judgment as a matter of law. When considering a motion for summary judgment, the trial court must take all facts of record, and reasonable inferences therefrom, in the light most favorable to the non-moving party. In doing so, the trial court must resolve all doubts as to the existence of a genuine issue of material fact against the moving party and, thus, may only grant summary judgment where the right to such judgment is clear and free from all doubt. See *Summers v. Certaineed Corporation*, 997 A.2d 1152 (Pa. 2010); *Toy v. Metropolitan Life Insurance Company*, 593 Pa. 20, 928 A.2d 186 (2007).

Whether an injury is sufficiently serious to overcome the limited tort threshold of a motor insurance policy is a threshold determination that shall not be made routinely by a trial court judge unless reasonable minds could not differ on the issue of whether a serious injury has been sustained. *Washington v. Baxter*, 719 A.2d 733, 740 (Pa. 1998). Thus, the determination shall be made by the jury in all but the clearest of cases. *Id.*

STATEMENT OF THE CASE

Plaintiff and Defendant were involved in a motor vehicle accident on April 22, 2017, on Route 119 in Point Marion, Fayette County, Pennsylvania. On that date, Plaintiff’s automobile insurance policy was provided by Progressive Insurance and he had elected the “limited tort” option. In his Complaint, Plaintiff alleges Defendant’s

negligence caused the collision and his resultant injuries. Plaintiff makes no claim for lost wages.

As to those injuries, Plaintiff reported “tingling” and soreness immediately following the accident. He was seen and released from the emergency room of Ruby Memorial Hospital on the day of the accident. Plaintiff received follow-up care from an orthopedic surgeon, primary care physician, and chiropractor. Plaintiff complained of neck and knee pain and tingling/numbness as a result of the accident. Plaintiff underwent an MRI and an EMG. Cervical injections were recommended by his doctor for the numbness, but Plaintiff declined the treatment.

Dr. Lance Yarus, Plaintiff’s expert witness, opined that his prognosis “[r]emains guarded” and that he

did sustain a severe and permanent impairment of function in regard to the cervical spine, right SI joint, and left knee as a result of the subject incident motor vehicle accident in which he was involved, April 22, 2017. There is permanency to the injuries sustained in that he is no longer enjoying the same lifestyle, level of comfort nor full use of cervical spine, right SI joint, and left knee to which he was accustomed prior to sustaining the injury, April 22, 2017.

DISCUSSION

The Pennsylvania Motor Vehicle Financial Responsibility Law (“MVFRL”) addresses the circumstances under which individuals carrying automobile insurance issued in Pennsylvania may sue for certain damages. There is no dispute that Plaintiff elected the limited tort on his automobile insurance policy. Under §1705(d) of the MVFRL,

Each person who elects the limited tort alternative remains eligible to seek compensation for economic loss sustained in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law. Unless the injury sustained is a serious injury, each person who is bound by the limited tort election shall be precluded from maintaining an action for any non-economic loss [...].

Hence, given Plaintiff’s election of the limited tort option, he is precluded from recovering for non-economic damages unless he can show that he sustained a serious injury. “Serious injury” is defined as “[a] personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.” 75 Pa.C.S.A. §1702.

The focus of inquiry of whether a plaintiff sustained a “serious injury” is not on the injuries themselves, but rather, the inquiry must be the effect of the injury on a body function. *Robinson v. Upole*, 750 A.2d 339 (Pa.Super. 2000). Several factors must be considered to determine if the claimed injury is a “serious injury” for purposes of the limited tort option threshold for recovery: (1) the extent of the impairment; (2) the length of time the impairment lasted; (3) the treatment required to correct the impairment; and (4) any other relevant factors. *Graham v. Campo*, 990 A.2d 9 (Pa.Super. 2010). An impairment need not be permanent to be “serious.” *Cadena v. Latch*, 78 A.3d 636 (Pa.Super. 2013).

The consequences of an injury must involve serious impact for an extended period of time on the insured's life and must interfere substantially with the insured's normal activities rather than impose only mild or slight limitations in order to meet the threshold of serious injury. See, e.g., *Murray v. McCann*, 658 A.2d 404 (Pa.Super. 1995). Thus, whether an injury is sufficiently serious requires more than mere evidence that the insured suffered any injury, but rather the insured must show that he has suffered a serious injury such that a body function has been seriously impaired. *Washington v. Baxter*, 719 A.2d 733, 741 (Pa. 1998).

In support of her argument that Plaintiff did not suffer a serious injury, Defendant cites that Plaintiff's x-rays, MRI, and EMG results show that he did not suffer a traumatically induced injury from this accident, that he declined treatment for his ongoing complaint of numbness in his hands, and that his current complaints of limited pain and minor limitations are not enough to satisfy the limited tort threshold. Defendant further cites that Plaintiff did not miss work and was actually promoted during this time.

The medical report issued by Dr. Lance Yarus, combined with Plaintiff's medical record sufficiently details the injuries sustained allegedly as a result of the collision, including extent of the impairment, the treatment required to correct the impairment, and the length of time the impairment will remain.

The determination of whether a plaintiff has suffered a serious injury should be made by the jury in all but the clearest of cases. *Washington*, supra. However, if reasonable minds cannot differ on the issue of whether a serious injury was sustained, a trial court may make the determination, and thus, grant a motion for summary judgment on that issue. *Id.*

Here, based on the medical evidence of record, reasonable minds could disagree whether Plaintiff sustained a serious injury and, as such, this determination should be left to a jury. Accordingly, we must deny the Motion for Partial Summary Judgment.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 27th day of September, 2019, upon consideration of the Motion for Partial Summary Judgment filed by Defendant, Hayle Dennis, it is hereby ORDERED and DECREED that the Motion is DENIED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Nina Capuzzi Frankhouser
Prothonotary

BENCH BAR CONFERENCE

Fayette County Bar Association
Bench Bar Conference
Wednesday, October 16, 2019
The Historic Summit Inn

Agenda

- 8:30 Meet the Sponsors & Breakfast Buffet
- 9:00 **Avoiding Legal Malpractice**
Amy J. Coco, Esquire
Pennsylvania Bar Association
1.0 ethics credit
- 10:00 **A Call for Action - Impairment in the Legal Profession
and What You Can do About it**
Brian S. Quinn, Esquire
Lawyers Concerned for Lawyers
1.0 ethics credit
- 11:00 Break
- 11:15 **Working with Social Service Providers:
What Attorneys Should Know**
Stacey Papa, Esquire - Moderator
1.0 substantive credit
- 12:30 Lunch

Cost to attend - \$75 members and \$125 non-members

RSVP due October 9th to Cindy 724-437-7994 or cindy@fcbar.org

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