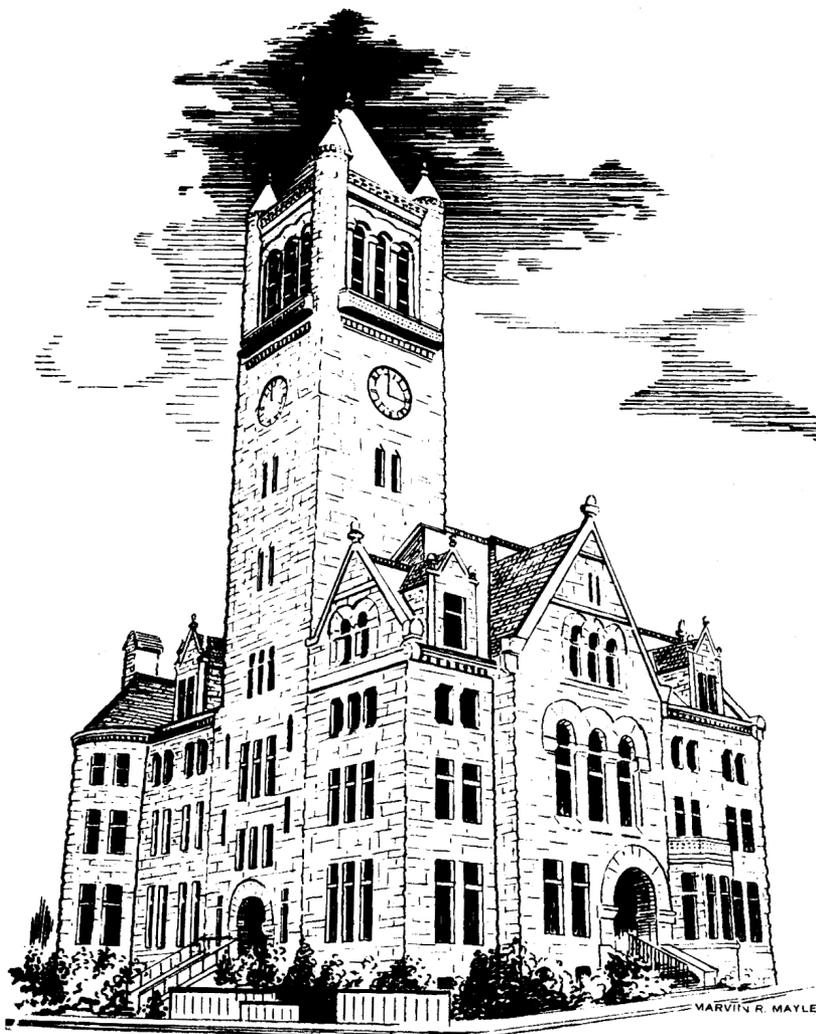


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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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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

BEATRICE J. BALABAN, late of South Union Township, Fayette County, PA ⁽³⁾

Co-Executrices: Margaret Hurst and Eileen McDowell
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ROY CUSTER, a/k/a ROY CUSTER, JR., late of North Union Township, Fayette County, PA ⁽³⁾

Executor: Stacy Meyers
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

HAYDEN FIELD, late of Connellsville, Fayette County, PA ⁽³⁾

Administrator: Harvey Field and Jennifer Field
702 Cummings Avenue
Connellsville, PA 15425
c/o Tremba, Kinney, Greiner & Kerr, LLC
120 South Third Street
Connellsville, PA 15425
Attorney: Mark Brooks

MYRTLE IRENE FIRESTONE, a/k/a M. IRENE FIRESTONE, IRENE FIRESTONE, late of Connellsville, Fayette County, PA ⁽³⁾

Administrator: Rodger L. Firestone, Jr.
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425
Attorney: Donald J. McCue, J.D., P.E.

GEORGE RUSSELL MALENOCK, late of North Union Township, Fayette County, PA ⁽³⁾

Executor: Dana L. Malenock
106 Malenock Lane
Uniontown, PA 15401
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

WILLIAM H. MILLER, late of Menallen Township, Fayette County, PA ⁽³⁾

Personal Representative: Cathy J. Frost
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Samuel J. Davis

KATHY A. PARNELL, a/k/a KATHY ANNETTE PARNELL, late of Henry Clay Township, Fayette County, PA ⁽³⁾

Personal Representative: Katilee Zychowski, a/k/a Katilee Parnell
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

THEODORE THOMAS TURNEY, JR. a/k/a THEODORE TURNEY, late of Bullskin Township, Fayette County, PA ⁽³⁾

Executrix: Jody Turney
c/o Casini & Geibig, LLC
815B Memorial Blvd.
Connellsville, PA 15425
Attorney: Jennifer M. Casini

Second Publication

ROSITA F. NEGA, late of Belle Vernon, Fayette County, PA ⁽²⁾

Executrix: Allison R. Barajas
10 Graham Avenue
Belle Vernon, PA 15012
c/o 33 Colonial Drive
Monessen, PA 15062
Attorney: Jack L. Bergstein

THOMAS D. SCHOMER, late of
Connellsville, Fayette County, PA (2)

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

First Publication

CYNTHIA CASEY, a/k/a CYNTHIA R. CASEY, a/k/a CYNTHIA L. KISNER, late of
Franklin Township, Fayette County, PA (1)

Executor: Jeremy A. Kline, Sr.
c/o River Front Professional Center
208 Arch Street, Suite 2
Connellsville, Pa 15425
Attorney: Richard A. Husband

JUNE CAVANAUGH, a/k/a JUNE C. CAVANAUGH, late of Connellsville, Fayette
County, PA (1)

Executor: Lester G. Cavanaugh
738 Connellsville Avenue
Connellsville, Pa 15425
c/o 310 Grant Street, Suite 1109
Pittsburgh, PA 15219
Attorney: Rosalie P. Wisotzki

JENNIE P. GRADOS, late of Jefferson
Township, Fayette County, PA (1)

Co-Executrixes: Kathy M. Hawker
661 Grindstone Road
Grindstone, PA 15442 and
Jennifer L. Russo
220 Spruce Street
Canonsburg, PA 15317
c/o 513 Schoonmaker Avenue
Monessen, PA 15062
Attorney: Timothy M. Maatta

JODIE LEIGH GUTHRIE, late of Fairchance,
Fayette County, PA (1)

Personal Representative: Donna J. Guthrie
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: James T. Davis

FLORENCE LEIGHTY, late of Markleysburg,
Fayette County, PA (1)

Personal Representative:

Jolene Van Sickle Glotfelty
2223 Hollywood Avenue
Grosse Pointe Woods, Michigan 48236
c/o Hartmann & Nihem, PLLC
63 Kercheval Avenue, Suite 200
Grosse Pointe Farms, MI 48236
Attorney: Heather Shoemaker

THOMAS S. TACCONI, late of Connellsville,
Fayette County, PA (1)

Personal Representative: Joseph N. Tacconi
120 Mia Drive
Uniontown, PA 15401
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

SAMUEL R. THOMAS, late of Perry
Township, Fayette County, PA (1)

Co-Executors: Samuel O. Thomas and
Gary E. Thomas
c/o Law Office of Howard F. Murphy
331 Regis Avenue
Pittsburgh, PA 15236
Attorney: Erin Santorella

LEGAL NOTICES

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about November 7, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of White Lion Consulting with the principal place of business at: 579 Smithfield Masontown Road, Smithfield, Fayette County, PA 15478.

The name or names and addresses of persons owning and interested are: Bryan R. Nemal, 579 Smithfield Masontown Road, Smithfield, PA 15478

Douglas Sepic, Esquire
Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

NOTICE

RE: Change of Name of
Paloma Jane Good, a minor:

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the Change of Name of Paloma Jane Good, a minor, on December 11, 2019, at 9:45 a.m. in Courtroom No. 3. All interested individuals may attend at that date and time.

DAVIS & DAVIS
BY: Samuel J. Davis, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that Certificate of Organization have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on November 20, 2019, for a non-profit organization known as The Perennial Project. The purpose or purposes of the non-profit organization is/are: the beautification and aesthetic improvement for local commercial and residential areas.

DAVIS & DAVIS
BY: Jeremy J. Davis, Esquire
107 E. Main Street
Uniontown, PA 15401

IN THE UNITED STATES
BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

BANKRUPTCY NO. 19-23593
CHAPTER 13

Hearing Date: December 13, 2019@11:00 AM
Response Date: December 6, 2019
Document No.

FRANCIS J. PALUMBO II,
Debtor

FRANCIS J. PALUMBO II,
Movant
vs.

RONDA J. WINNECOUR,
Chapter 13 Trustee,
UNITED BANK and SCOTT
TEMPLETON,
Respondents

NOTICE OF SALE

NOTICE IS GIVEN THAT the Debtor Francis J. Palumbo, II, has filed a Motion to Sell Real Property Free and Clear of all Liens and Encumbrances located at 141 Belmont Circle, Uniontown, Fayette County, Pennsylvania for \$269,900.00

TERMS OF SALE ARE: The sale is an "as is" sale; Buyer must post a non-refundable deposit of \$1,000.00 and closing within 30 days.

A hearing and sale will be held on said motion on Friday, December 13, 2019 at 11:00 AM, Courtroom D, 54th Floor, US Steel Building, 600 Grant Street, Pittsburgh, PA 15219. The Court may entertain higher offers at the hearing, at which time objections to said sale will be heard, higher offers may be received and a confirmation hearing will be held.

If more information is needed, contact Joseph E. Fieschko, Jr., Esquire, 2230 Koppers Building, 436 7th Avenue, Pittsburgh, PA 15219, 412-281-2204.

NOTICE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
No. 2526 of 2019, G. D.,

S. P. Lewis, Plaintiff
vs.
Harland Brisky, Deceased, his heirs and assigns,
Defendant

TO: Harland Brisky, Deceased, his heirs and
assigns, Defendant.

TAKE NOTICE that on November 12,
2019, S. P. Lewis filed his Complaint in an
Action to Quiet Title at No. 2526 of 2019, G. D.,
in the Court of Common Pleas of Fayette
County, Pennsylvania, averring that he is the
owner in fee and in possession of:

All that certain piece of parcel of land
situate in Georges Township, Fayette County,
Pennsylvania, being commonly known as 117
Pavlick Road, being approximately 10.68 acres
and bearing Fayette County Tax Map No. 14-17-
0154-02.

For a more complete recital of the chain of
title concerning the premises, refer to the
Complaint filed in the within action.

That the defendant above named appears to
have interest in said premises which creates a
cloud upon plaintiff's title, whereupon the
plaintiff has filed his Complaint as aforesaid
asking the Court to enter a decree terminating all
rights which defendant may have in said
premises and decreeing that plaintiff has the full
and free use and occupation of said premises,
released and forever discharged of any right,
lien, title or interest of defendant herein.

The service of this Complaint by
publication is made pursuant to an Order of
Court dated November 20, 2019 and filed at the
above number and term.

You are hereby notified to plead to the
complaint in this case, of which the above is a
brief summary, within twenty (20) days from
this date. 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 you.

YOU SHOULD TAKE THIS PAPER 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 OR NO FEE.

PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375

WATSON MUNDORFF & SEPIC, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: (724) 626-8882

JUDICIAL OPINION

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

RONALD D. BURDEN, FRANCES ANDERSON,	:	
REV. GWENDOLYN K. NICHOLS,	:	
ROBERTA BELL SMITH, CASEY KNOX,	:	
ROBERTA TAYLOR, NINA NICHOLS,	:	
EDWARD SMITH, LINDA SMITH, and	:	
TIMOTHY CLARK, SR.,	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
FIRST BAPTIST CHURCH OF RONCO, PA,	:	
MICHAEL BURDEN, TIFFANY BURDEN,	:	
GLORIA PEGGUES, AND ROBERT BURTON,	:	No. 130 of 2019, G.D.
Defendants.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

November 4, 2019

Before the Court are Preliminary Objections filed by Defendants, First Baptist Church of Ronco, PA, Michael Burden, Tiffany Burden, Gloria Peggues, and Robert Burton, to Plaintiffs’ Complaint alleging this Court lacks subject matter jurisdiction pursuant to the ministerial exception of the First Amendment of the United States Constitution and that Plaintiffs lack capacity to sue as they are not active and good standing members of the First Baptist Church of Ronco.

According to the Complaint, Plaintiffs are members of the First Baptist Church of Ronco, which they allege is owned and operated by First Baptist Church of Ronco, PA, a Pennsylvania nonprofit corporation. See, Complaint ¶11-12. In 2016, the position of pastor of the Church became vacant. *Id.* at 18. Pursuant to the Church’s bylaws, certain procedures were required to be followed to fill the pastoral position. *Id.* at ¶19. Plaintiffs allege the procedures were not followed and Defendants and other persons acting in concert with them improperly voted to select Defendant Robert Burton as pastor over Plaintiffs’ objections. *Id.* at ¶20-28. Plaintiffs further allege Defendants did not comply with the Church’s bylaws by purportedly electing Defendants Tiffany Burden and Gloria Peggues as trustees and officers of the Church. *Id.* at ¶31. Plaintiffs also allege Defendants have denied access to the Church building to some Trustees and janitor of the Church. *Id.* at ¶33.

By letter dated September 22, 2018, Plaintiffs notified the individual defendants and others purportedly acting as officers and trustees of the Church that the action taken to select Defendant Robert Burton as pastor did not conform to the bylaws and requested that that action and the election of any trustees and officers which did not comply with the bylaws be rescinded, and a meeting be scheduled in accordance with the by-

laws to consider the call of a pastor. *Id.* at ¶32. Because Defendants have failed to take these steps, Plaintiffs request this Court to grant relief pursuant to the Judicial Supervision of Corporate Action subsections of the Nonprofit Corporation Law of 1988 (15 Pa.C.S.A. §§5791-5793).

Plaintiffs' requested relief includes entering an order to rescind the election of Robert Burton as pastor; to order a meeting of the members of the Church properly scheduled and held to appoint a pulpit committee in accordance with the bylaws; order the selection of any trustees or officers after March 1, 2018 be rescinded, appoint judges of election to select a pulpit committee, pastor, and officers and trustees of the Church; order an accounting of funds; order minutes from meetings; and order that trustees and the janitor be provided a key to the Church building.

In ruling on preliminary objections, the Court must accept as true all well-pleaded, material and relevant facts. *Mellon Bank v. Fabinyi*, 650 A.2d 895, 899 (Pa. Super. 1994). “[C]onclusions of law, unwarranted inferences from the facts, argumentative allegations or expressions of opinion” need not be accepted as true. *Myers v. Ridge*, 712 A.2d 791, 794 (Pa. Commw. 1998).

Preliminary objections in the nature of a demurrer should be granted where the contested pleading is legally insufficient. *Cardenas v. Schober*, 783 A.2d 317, 321 (Pa. Super.2001) (citing Pa.R.C.P. 1028(a)(4)). “Preliminary objections in the nature of a demurrer require the court to resolve the issues solely on the basis of the pleadings; no testimony or other evidence outside of the complaint may be considered to dispose of the legal issues presented by the demurrer.” *Hess v. Fox Rothschild, LLP*, 925 A.2d 798, 805 (Pa. Super. 2007). All material facts set forth in the pleading and all inferences reasonably deducible therefrom must be admitted as true. *Id.*

The first preliminary objection of Defendants questions this Court's subject matter jurisdiction in accordance with the “ministerial exception” which exempts from certain employment laws the employment relationship between religious institutions and their ministers so as to ensure that no branch of secular government trespasses on the most spiritually intimate grounds of a religious community's existence, and precludes any inquiry into the substantive reason to employ a minister. Plaintiffs counter that the ministerial exception does not apply as the Church is a nonprofit corporation who is subject to this Court regarding its corporate action, including in the conduct of its meetings and its adherence to its own bylaws. Plaintiffs maintain that they are not alleging employment laws were violated, but rather, the procedural requirements for holding a meeting of members of the church to extend an offer to a pastor and for selecting officers, trustees, and other church leaders specified in its bylaws were not met.

The deference rule provides that civil courts are bound to accept the decisions of the highest judicatories of a religious organization of hierarchical policy on matters of discipline, faith, internal organization, or ecclesiastical rule, custom, or law. *Serbian Eastern Orthodox Diocese v. Milivojevic*, 426 U.S. 696 (1976). This deference rule is not all inclusive, however, as the Pennsylvania Supreme Court has recognized:

All disputes among members of a congregation, however, are not doctrinal disputes. Some are simply disputes as to meaning of agreements on wills, trusts,

contracts and property ownership. These disputes are questions of civil law and are not predicated on any religious doctrine.

Presbytery of Beaver-Butler of the United Presbyterian Church in the United States of America v. Middlesex Presbyterian Church, 489 A.2d 1317, 1320-21 (Pa. 1985).

Though, civil courts may resolve disputes involving churches that do not require a determination of ecclesiastical issues. *Poesnecker v. Ricchio*, 631 A.2d 1097 (Pa. Cmwlth. 1993). Where a case presents questions that require “no doctrinal exogenesis,” civil courts retain jurisdiction and should apply “neutral principles of law” to resolve intra-church disputes. *Presbytery*, supra., at 1321-22. We may apply principles of law which are religiously neutral, such as statutes governing Pennsylvania nonprofit corporations.

Rooted in the First Amendment’s guarantee of religious freedom, the ministerial exception precludes courts from considering claims involving the employment relationship between a religious institution and its ministerial employees, based on the institution’s constitutional right to be free from judicial interference in the selection of those employees. *Hollins v. Methodist Healthcare, Inc.*, 474 F.3d 223, 225 (6th Cir.2007). Under the “ministerial exception,” the Free Exercise Clause of the First Amendment of the United States Constitution prohibits courts from exercising subject matter jurisdiction in cases where the court’s involvement would encroach on decisions made by religious institutions concerning employment of ministers.

To determine whether the First Baptist Church of Ronco, PA complied with its bylaws in its election of a pastor, trustees, and officers would not require this Court to delve into any ecclesiastical matters whatsoever in order to decide this dispute. All disputes among members of a congregation are not doctrinal disputes; deference is not mandated simply because there exists a judicature in the church. Resolution of this Church’s bylaw compliance does not require “resolution of any competing doctrinal issues.” Accepting as true Plaintiffs’ allegations that Defendants failed to conform with the Church’s bylaws in the election of Defendant Robert Burton, this Court’s examination of the adherence to these bylaws may lead to the same end result – the election of Defendant Robert Burton as pastor of the First Baptist Church of Ronco, PA. Judicial inspection of those persons who purport to exercise corporate office are clearly within the purview of this Court. As such, the first preliminary objection is overruled.

Defendants also lodge objection to Plaintiffs capacity to sue alleging Plaintiffs do not have standing as they were not active and good standing members of the Church at the time of the actions in question. Defendants maintain that Church doctrine was established in 2008 that required only active members in good standing could vote on Church matters. At the preliminary objection stage, this Court is bound to accept as true the factual averment of Plaintiffs Complaint that all Plaintiffs are members of the Church. See, Complaint ¶12. Accordingly, the second preliminary objection is also overruled.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 4th day November, 2019, upon consideration of the Preliminary Objections of Defendants, First Baptist Church of Ronco, PA, Michael Burden, Tiffany Burden, Gloria Peggues, and Robert Burton, to Plaintiffs' Complaint alleging this Court lacks subject matter jurisdiction and that Plaintiffs lack capacity to sue, it is hereby ORDERED and DECREED that the Preliminary Objections are OVERRULED in accordance with the foregoing Opinion.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Prothonotary



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December 5 **Family Law 101 2019**
8:30 a.m. to 4 p.m.
5 substantive/1 ethics

December 12 **Criminal Law Update 2019**
12 p.m. to 4:15 p.m.
3 substantive/1 ethics

December 18 **The Year in Review for the General Practitioner 2019**
8:30 a.m. to 3:45 p.m.
5 substantive/1 ethics

December 19 **Essential Ethics 2019**
9 a.m. to 4:15 p.m.
6 ethics



ANNUAL MEMBERSHIP MEETING

The regular annual meeting of the full membership of the Fayette County Bar Association shall be held on **Wednesday, December 4, 2019**, at 1:30 pm in Courtroom One, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401.

Committees are invited to present topics of concern or interest to the Association.

RSVP to Cindy at cindy@fcbar.org or 724-437-7994

LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, December 4th from 12:00 p.m. to 1:30 p.m.**
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Conviction Integrity and Related Issues**
Forms will be provided
- Presenter: Judge Steve P. Leskinen and Michael A. Aubele, Esquire

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, December 2nd



You're invited for some holiday cheer to celebrate
this special time of year!

FAYETTE COUNTY BAR ASSOCIATION
WINTER SOCIAL
cocktails and appetizers

THURSDAY, DECEMBER 12TH AT 5:00PM
UNIONTOWN COUNTRY CLUB

In support of the holiday season, please bring new, unwrapped
toys for donation to Fayette County Children & Youth Services.
Monetary donations payable to "CYS Advisory Board."

RSVP BY FRIDAY, DECEMBER 6TH
724-437-7994 or cindy@fcbbar.org | Guests Welcome



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