

# LACKAWANNA JURIST

## JUDICIAL OPINION

**CASE NAME AND NUMBER:** Champi v. Geisinger Community Medical Center, 2020 WL 865391 (Lacka. Co. 2020)

**DATE OF DECISION:** February 20, 2020

**JUDGE:** Terrence R. Nealon

### **ATTORNEYS INVOLVED:**

Corey S. Suda, Esquire, Counsel for Plaintiffs  
Noah E. Katz, Esquire, Counsel for Defendants

### **SUMMARY OF OPINION:**

The defendant-hospital in this malpractice action filed a preliminary objection based upon Alumni Association Delta Zeta of Lambda Chi Alpha Fraternity v. Sullivan, 369 Pa. Super. 596, 535 A.2d 1095 (1987), and argued that plaintiff alleged negligent care at the hospital's Scranton and Wilkes-Barre campuses, but neglected to identify by name and with specificity which alleged agents of the hospital were negligent. In Alumni Association, the Superior Court originally indicated that in pleading a vicarious liability claim, a plaintiff must identify the agent by name or appropriate description, and set forth the agent's authority and how the tortious acts of the agent either fell within the scope of that authority or were ratified by the principal. However, in Sokolsky v. Eidelman, 93 A.3d 858 (Pa. Super. 2014), the Superior Court later concluded that "simply because employees are unnamed within a complaint or referred to as a unit, i.e., the staff, does not preclude one's claim against their employer under vicarious liability if the employees acted negligently during the course and within the scope of their employment." Id. at 866. It subsequently reaffirmed that "[i]n Sokolsky we concluded that it is not necessary for a plaintiff to establish a right to recover on a claim for vicarious liability based upon the negligence of a specific named employee." Estate of Denmark ex rel. Hurst v. Williams, 117 A.3d 300, 306 Pa. Super. 2015). More recently, the Superior Court reversed the holding of a visiting senior judge in this county who erroneously held that a plaintiff asserting a vicarious liability claim must identify the alleged agent(s) by name. See Breslin v. Mountain View Nursing Home, Inc., 171 A.3d 818, 828-829 (Pa. Super. 2017) (relying upon Sokolsky and Estate of Denmark). Therefore, the hospital's preliminary objection was overruled, and the hospital was directed to seek the requested information by way of pre-trial discovery rather than as supporting evidence in the complaint.

## JUDICIAL OPINION

**CASE NAME AND NUMBER:** Koshinski v. Johnson, 2020 WL 853628 (Lacka. Co., 2020)

**DATE OF DECISION:** February 20, 2020

**JUDGE:** Terrence R. Nealon

### **ATTORNEYS INVOLVED:**

Katie Nealon, Esquire, Counsel for Plaintiff, John Koshinski  
Stephen F. Geduldig, Esquire, Counsel for Defendants, Shyquan L. Johnson and Western Express  
Todd B. Narvol, Esquire, Counsel for Defendants, James Swepston and Welding Works  
Cynthia E. Banks, Esquire, Counsel for Defendants, Kyle Bianco and Ann Marie Bianco  
Chris Jennifer Carling, Esquire, Counsel for Defendants, Luther Morris and Lisk Trucking, Inc.  
Sarah Modrick, Esquire, Counsel for Defendants, Stanley Sabol and Pennsylvania Department of Transportation, Joseph F. Murphy, Esquire, Counsel for Additional Defendants, Charles R. Ehrenberg and Valerie Ehrenberg, Administratrix of the Estate of Charles M. Ehrenberg

### **SUMMARY OF OPINION:**

A Dauphin County resident, who was involved in an auto accident in Schuylkill County, filed a personal injury action against ten defendants, including the state department of transportation and its employee, and those Commonwealth parties filed preliminary objections asserting *inter alia*, improper venue. Based upon 42 Pa.C.S. § 8523(a) and 37 Pa. Code § 111.4(c), the state agency and its employee could be sued only in the county where (a) the cause of action arose, (b) the agency maintains its principal office, or (c) the Commonwealth party's local office is located for the county where the cause of action arose, even in those instances where the plaintiff asserts joint and several liability against multiple defendants. Since venue could not be laid in Lackawanna County under those statutory and regulatory provisions, the preliminary objection asserting improper venue was sustained and, pursuant to Pa.R.C.P. 1006(e), the action was transferred to the Court of Common Pleas of Schuylkill County to address the remaining objections.

**ESTATES**

**First Notice**

**ESTATE OF JOHN J. BOSHA** late of Scranton, Lackawanna County, Pennsylvania (died March 25, 2020). Notice is hereby given that Letters of Administration have been issued to James A. Bosha, Administrator of the Estate. All those having claims or demands against the Estate of indebtedness owed to the Estate shall present claims or remit payment without delay to James A. Bosha, c/o John J. McGee, Attorney for the Estate, 400 Spruce Street, Ste 302, Scranton, PA 18503.

**ESTATE OF ROBERT A. COER, Sr.**, late of Scranton, Pennsylvania, (died 01/03/2020) Kathy Gassler, Administrator; William J. Hall, Attorney for the Estate, 307 N. Blakely Street, P.O. Box 272, Dunmore, PA 18512.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF BRUCE E. GORLESKY, A/K/A BRUCE GORLESKY**, late of Borough of Taylor, Lackawanna County, who died March 2, 2020. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Administrator, Jonathan B. Gorlesky and his Attorney, DAVID CHERUNDOLO, ESQUIRE, 410 JEFFERSON AVENUE, SCRANTON, PA 18510.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted to Annette Tagliaterra, Executrix of the **ESTATE OF ANDREW J. GOWARTY, SR. A/K/A ANDREW GOWARTY**, late of Old Forge, Lackawanna County, Pennsylvania, who died on January 5, 2020. 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 Executrix, c/o Biagio V. Musto, II, Esquire, 171 William Street, Pittston, PA 18640.

**ESTATE OF BLODWYN JONES, AKA BLODWYN B. JONES**, late of Scranton, Lackawanna County, Pennsylvania (died March 25, 2020). Personal Representatives are Beverly A. Mizanty, 500 Reeves Street, Dunmore, PA, 18512 and William D. Jones, 1152 Preston Place, Apartment 2, Scranton, PA, 18504. Attorney for the Estate is Nancy M. Barrassé, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503.

**RE: ESTATE OF LUCY PEPE, A/K/A LUCIA PEPE**, late of S. Abington, Lackawanna County, PA (died January 21, 2020), Letters of Administration have been granted to the undersigned, who requests all persons having claims or demands against the Estate of the Decedent to make known the same, and all persons indebted to the Decedent to make payment without delay to: Nicholas Carlini, Executor, or to his attorney: Thomas J. Jones, Jr., Esquire, 410 Spruce Street, Suite 301, Scranton, Pennsylvania 18503.

**ESTATE OF RICHARD REMONDELLI**, Deceased, late of Benton Township, Pennsylvania (Died May 2, 2019). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Monica A. McDonald, Administratrix, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

**Second Notice**

**ESTATE OF GLADYS D. FOYTACK**, late of the City of Scranton, Lackawanna County, Pennsylvania (date of death: November 1, 2019) Executrix: Norma C. Kedulick,

Attorneys: Needle Law, P.C., 240 Penn Avenue – Suite 202, Scranton, PA 18503. P. Timothy Kelly, Esquire.

**ESTATE OF ANTHONY FRANCHAK A/K/A ANTHONY FRANCHAK, JR.** late of Jermyn, Lackawanna County, Pennsylvania (died February 12, 2020). Notice is hereby given that Letters Testamentary have been issued to Stephen Franchak, 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 Jule Gaige, Attorney for the Estate, 615 Clay Avenue, Third Floor, Scranton, PA 18510. 570-350-5225.

**ESTATE OF STANLEY F. GRIGALUNAS, A/K/A STANLEY GRIGALUNAS**, of the Borough of Jessup, Pennsylvania (died March 10, 2020), Kellie A. Grigalunas, a/k/a Kellie Ann Grigalunas, Executrix, PAUL SOTAK, Attorney, 410 Jefferson Avenue, Scranton, Pennsylvania 18510. NOTICE IS HEREBY GIVEN THAT Letters Testamentary 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 same without delay to the Executrix named.

**ESTATE OF MICHAEL P. JARROW**, late of Peckville, Pennsylvania, died on March 2, 2020. All persons having claims against the Estate shall present same to Executrix, Donna Taramelli, c/o Donald W. Jensen, Esquire, 538 Spruce Street, Suite 730, Scranton, Pennsylvania 18503.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF MATTHEW MISCELLO**, late of Borough of Old Forge, Lackawanna County, who died March 24, 2020. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay, to the Co-Administrators, Natalie Miscello and Matthew Miscello, Jr., and their Attorney, DAVID CHERUNDOLO, ESQUIRE, 410 JEFFERSON AVENUE, SCRANTON, PA 18510.

**Third Notice**

**ESTATE OF RALPH C. ALTHOUSE**, file number 3520-00335, late of Carbondale, Lackawanna County, PA (Date of death: 2/10/2020). Jeffrey A. Levine was appointed Executor on March 20, 2020. Jeffrey A. Levine, Esquire, Herlands & Levine, 27 North Main Street, Suite 301, Carbondale, PA 18407.

**ESTATE OF MICHAEL J. DELFINO**, late of 11 Hendrick Lane, Carbondale, Lackawanna County, Pennsylvania (died February 21, 2020). Notice is hereby given that Letters Testamentary in the above Estate have been issued to JOSEPH J. CALABRO. Creditors shall present claims and debtors shall make payment to, JOSEPH J. CALABRO, or BENJAMIN S. SCHNESSEL, Esquire, Attorney for the Estate. 11-13 Park Place, Carbondale, PA 18407.

**ESTATE OF CONSTANCE J. MAGISTRO**, Moosic, Pennsylvania, (Died: February 1, 2020) Paul R. Mazzoni, Executor, Paul R. Mazzoni, Esquire, Attorney for the Estate, Suite 201 Bank Towers, 321 Spruce Street, Scranton, PA 18503.

**ESTATE OF MARY LOU M. NEWMAN**, Deceased, late of Scranton, Pennsylvania (died February 17, 2020). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Patricia Lynn Whitford, Executrix, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

## LACKAWANNA JURIST

### CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT a Certificate of Organization for **The Crafty Decorator LLC**, a Pennsylvania limited liability company, either have or will file with the Secretary of the Commonwealth of the 23 day of March, 2020, in accordance with the provisions of the Commonwealth of Pennsylvania Limited Liability Company Law of 1994, 15 PA C.S.A., Section 8901, as amended.

ZAYDON & ZAYDON  
Attorneys  
T1-4/17

Notice is hereby given that Letters of Administration have been granted to Doreen Ruggiero of 10 43<sup>rd</sup> Street, Fell Twp., PA 18407 in the **ESTATE OF RICHARD D. RUGGIERO**, late of Fell Twp., Lackawanna County, PA, who passed away September 9, 2019. All persons indebted to said Estate are requested to make payment and those having claims or demands to present the same without delay to the Administratrix named or to the attorney for said estate: Patrick A. Kane, Esq., 960 Scranton-Carbondale Hwy., Archbald, PA 18403.

**ESTATE OF PHYLLIS M. SILEO**, late Elmhurst Township, Lackawanna County, PA (died January 12, 2020). 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 Marilyn Woellmer, Administrator, 422 Dogwood Drive, South Abington Twp., PA 18411 or to William F. Dunstone, Esquire, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

**ESTATE OF NICHOLAS VITRIS**, late of the City of Scranton, PA died February 12, 2020, Administrator Samuel Vitris, Terrence V. Gallagher Attorney for the Estate, 416 Jefferson Avenue, Scranton, PA 18510. Notice is hereby given that Letters Administration C.T.A. have been granted. All persons indebted to the said estate are required to make payment, and those having claims or demands are to present the same without delay to the Administrator's name.

**ESTATE OF CHARLES P. WAGNER**, late of City of Carbondale, PA (died November 20, 2019) Scott P. Wagner Executor, Frederick M. Moase, Jr., Attorney for the Estate, Law Offices of Frederick M. Moase, Jr., 123 East Garfield Ave, Carbondale, PA 18407

### ARTICLES OF INCORPORATION

**Sunshine Venture Group, Inc.** was incorporated on April 10, 2020 pursuant to the Pennsylvania Business Corporations Law of 1988.

Theresa M. Brennan, Esquire  
Brennan Legal Services  
4906 SR 438, Dalton, PA 18414  
T1-4/17

### FICTITIOUS NAME

John T. Pratt will be doing business as (DBA) as and registered with the Dept. of State, Commonwealth of Pennsylvania on 4/15/2020 the fictitious name of "**Lifting Lives Paralegal**," under 54 Pa.C.S. and is hereby giving notice that he began using the fictitious name on that date. The purpose for which the sole proprietorship is to be organized is for document preparation and case investigation. This Trade Name will supersede all former Trade Names (i.e. Homeless Assistance Program, John Pratt) used by John T. Pratt as a sole proprietor. John T. Pratt can be contacted at 410 Riley Street, Unit 1, Old Forge, PA 18518 and (570) 604-9470.

T1-4/17

**LACKAWANNA JURIST**

**NOTICE**

IN THE COURT OF COMMON PLEAS OF LACKAWANNA COUNTY  
CASE NO. 2020-0184

BOROUGH OF CLARKS SUMMIT  
304 S. State Street  
Clarks Summit, PA 18411  
Plaintiff

WOOD, HARMAN & CO., its devisees,  
successors and assigns and all persons  
claiming by, through or under it,  
(address unknown)

MORRIS LIPSON, aka  
MORRIS LEPSON, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

ANNA BILLINGS, her heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under her,  
(address unknown)

GRACE M. JENKINS, her heirs, devisees, :  
successors and assigns and all persons  
claiming by, through or under her,  
(address unknown)

HAROLD W. BENSLEY, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

JOSEPH T. METCALFE, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

ARTHUR B. METCALFE, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

AUGUST F. SCHIMPF, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

H.L. HARDING, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

A.F. WICKHAM, his heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under him,  
(address unknown)

ANN DUVAL, her heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under her,  
(address unknown)

ELIZABETH DUVAL, her heirs, devisees,  
successors and assigns and all persons  
claiming by, through or under her,  
(address unknown)

Defendants

## LACKAWANNA JURIST

**YOU ARE HEREBY NOTIFIED THAT THE BOROUGH OF CLARKS SUMMIT HAS COMMENCED AN ACTION TO QUIET TITLE FOR THE FOLLOWING PREMISES, NAMING YOU AS THE DEFENDANT:**

### **PARCEL 1**

All those certain pieces or parcels of land situate, lying and being in the Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

Being known and designated as all those lots numbered 214, 215, 216, 217, 218, 219 and 220 on a certain plot of lots called "Summit Park" surveyed for Wood, Harmon & Company by C.S. Miller, Civil Engineer and recorded in Lackawanna County Deed Book 87, page 482. Said lots each being rectangular in shape, thirty (30) feet along Sheraden Avenue (now Sheridan Ave.), and one hundred twenty-five (125) feet in depth. Containing 26,250 Sq. Ft. or 0.60 acre more or less.

### **PARCEL 2**

Being known and designated as all those lots numbered 264, 265, 266, 267, 268, 269, 270, 271, and 272 on a certain plot of lots called "Summit Park" surveyed for Wood, Harmon & Company by C.S. Miller, Civil Engineer and recorded in Lackawanna County Deed Book 87, page 482. Said lots each being rectangular in shape, thirty (30) feet along Harwood Avenue, and one hundred twenty-five (125) feet in depth. Containing 33,750 Sq. Ft. or 0.77 acre more or less.

### **PARCEL 3**

Being one half of that portion of a 15 feet wide alley (undeveloped) adjoining and abutting lots numbered 214, 215, 216, 217, 218, 219 and 220 designated as "Alley C" on a certain plot of lots called "Summit Park" surveyed for Wood, Harmon & Company by C.S. Miller, Civil Engineer and recorded in Lackawanna County Deed Book 87, page 482. Containing 1,575 Sq. Ft. or 0.04 acre more or less.

### **PARCEL 4**

Being one half of that portion of a 15 feet wide alley (undeveloped) adjoining and abutting lots numbered 264, 265, 266, 267, 268, 269, 270, 271, and 272 designated as "Alley C" on a certain plot of lots called "Summit Park" surveyed for Wood, Harmon & Company by C.S. Miller, Civil Engineer and recorded in Lackawanna County Deed Book 87, page 482. Containing 2,025 Sq. Ft. or 0.05 acre more or less.

BY ORDER OF COURT DATED April 9, 2020 SAID COMPLAINT IS PERMITTED TO BE SERVED UPON YOU BY VIRTUE OF PUBLICATION. YOU ARE HEREBY DIRECTED THAT ON OR BEFORE 30 DAYS FROM THE DATE OF THIS ADVERTISEMENT TO ANSWER THE COMPLAINT AND SHOW CAUSE WHY THE TITLE OF THE BOROUGH OF CLARKS SUMMIT TO SAID REAL ESTATE SHOULD NOT BE DECREED VALID AND INDEFEASIBLE.

IF YOU WISH TO DEFEND, YOU MUST TAKE ACTION ON OR BEFORE 30 DAYS FROM THE DATE OF THIS ADVERTISEMENT BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNING AND FILING YOUR DEFENSES OR OBJECTION 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 BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PLAINTIFF. 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 AND FIND OUT WHERE YOU CAN GET LEGAL HELP.**

North Penn Legal Services  
33 N. Main Street  
Suite 200  
Pittston, PA 18640-1949  
(570) 299-4100

Lackawanna Bar Association  
233 Penn Avenue  
Scranton, PA 18503  
(570) 969-9161

TRESSLER LAW, LLC  
James M. Tressler, Esquire  
220 Penn Avenue, 3<sup>rd</sup> Floor  
Scranton, PA 18503  
(570) 346-1900  
Attorney Id. No. 67951

Attorney for Plaintiff,  
BOROUGH OF CLARKS SUMMIT