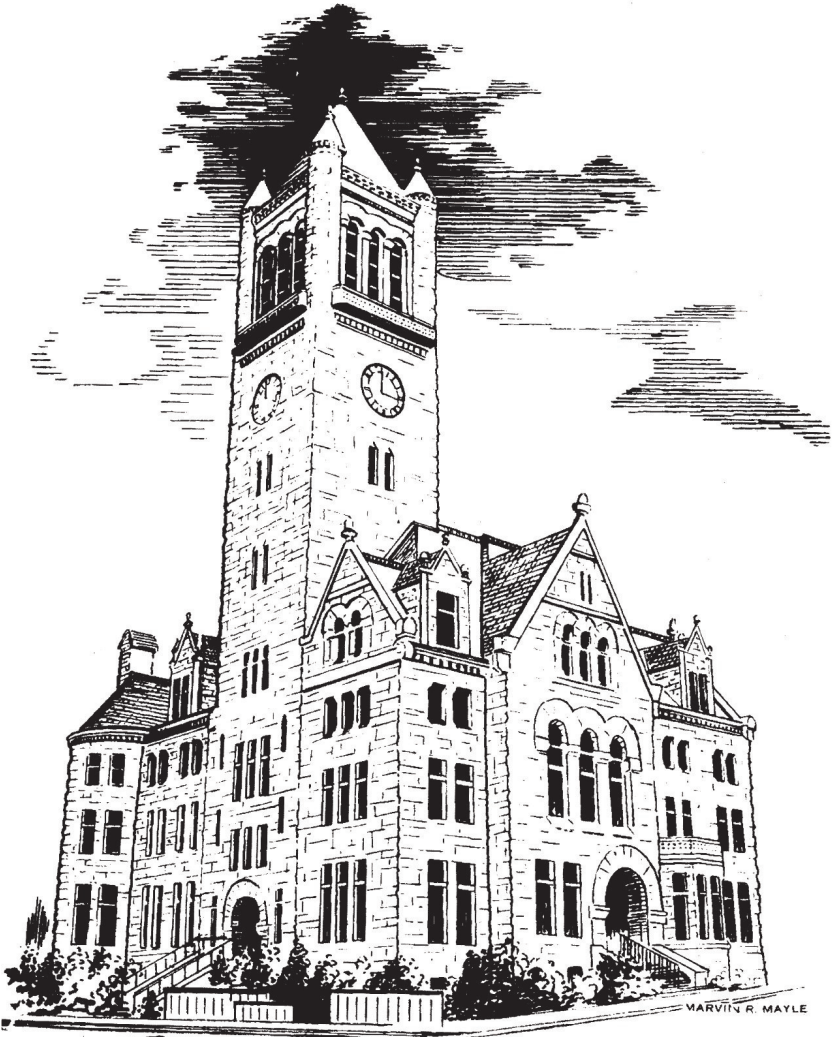


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ESTATE NOTICES

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

MARGARET BACKOS, late of Perryopolis Borough, Fayette County, PA (3)
Co-Executors: Marjorie Ann Backos, Gary Bruce Backos and Christine Rene Taylor
 7902 Eastridge Drive
 LaMesa, CA 91941
Attorney: Mark E. Ramsier
 823 Broad Avenue
 Belle Vernon, PA 15012

ANTHONY W. BALOSKY, A/K/A ANTHONY WAYNE BALOSKY, late of Redstone Township, Fayette County, PA (3)
Personal Representative: Michaelene V. Ruffcorn
 c/o James T. Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

MARY BANDZUCH, late of Uniontown, Fayette County, PA (3)
Executrix: Theresa Petruska
 c/o 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John
 John & John

ANNA M. GRASHION, late of Redstone Township, Fayette County, PA (3)
Personal Representative: Carla Morrow
Attorney: Charles W. Watson
 Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425

THOMAS MICHAEL KAROLCIK, SR., late of Perryopolis, Fayette County, PA (3)
Co-Executors: Barbara Karolcik and Thomas M. Karolcik, Jr.
 c/o Edwin W. Russell
 Feldstein Grinberg Lang and McKee, P.C.
 428 Boulevard of the Allies
 Pittsburgh, PA 15219
Attorney: Edwin W. Russell

ANNA MAE KREMPA, late of Masontown Borough, Fayette County, PA (3)
Executrix: Rhonda Malinsky Rockwell
 79 Charles Street
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

GRACE M. LOGAN, late of Connellsville Township, Fayette County, PA (3)
Executor: David B. Logan
 c/o Richard A. Husband
 Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

JEAN J. LOHR, late of Springhill Township, Fayette County, PA (3)
Executrix: Toni T. Zooner
 c/o John A. Kopas III, Esquire
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John A. Kopas

Second Publication

ELEANOR J. CROSSLAND, late of North Union Township, Fayette County, PA (2)
Administratrix DBN CTA: Julie A. Miller
 c/o Wayne H. Port
 George, Port & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Wayne H. Port, Esq.

GLORIA HACKENSON, late of Washington Township, Fayette County, PA (2)

Executor: Bruce Hackenson
129 Shady Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier
823 Broad Avenue
Belle Vernon, PA 15012

GREGG WILLIAM LOWMAN, late of Connellsville City, Fayette County, PA (2)

Executrix: Lorie Lee Blazer
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

VERLIN F. MOATS, late of Uniontown, Fayette County, PA (2)

Administrator: Scott Moats
198 Baily Avenue
Uniontown, PA 15401
Attorney: John B. Zonarich
Skarlatos Zonarich LLC
17 S. 2nd St., 6th FL
Harrisburg, PA 17101

GLENN T. WILSON, late of North Union Township, Fayette County, PA (2)

Executor: Clarence W. Wilson
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

MARTHA M. MULLOOLY, late of Masontown Borough, Fayette County, PA (2)

Executrix: Lawrence Peters
c/o 4 North Beeson Avenue
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

First Publication

MICHAEL R HOLSING, late of Dunbar Borough, Fayette County, PA (1)

Personal Representative: Nancy Jo Holsing
c/o Richard A. Husband
Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

FRANK J. LASICA, late of Dunbar Borough, Fayette County, PA (1)

Executrix: Cynthia A. Welling
c/o Radcliffe & DeHaas, L.L.P.
2 West Main Street, Suite 700
Uniontown, PA 15401;
Attorney: William M. Radcliffe, Esquire

EDNA LUKAS, late of Uniontown, Fayette County, PA (1)

Executor: Robert Lukas
c/o 2 West Main Street, Suite 110
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

DOLORES P. NELSON, late of Perryopolis, Fayette County, PA (1)

Executrix: Catherine A. Shandor
117 Francis Road
Perryopolis, PA 15473
Attorney: Colleen D. Bratkovich, Esq.
Zacharia & Brown P.C.
4500 Walnut Street
McKeesport, PA 15132

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW
NO. 2117 of 2014 GD

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

U.S. Bank, National Association,
Plaintiff,

vs.

**Robert V. Aranza, Jr., in his Capacity as
Known Heir of Robert V. Aranza, Sr.,
Deceased and Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title or Interest
From or Under Robert V. Aranza, Sr.,
Deceased,
Defendant(s).**

TO: The Unknown Heirs, Successors, Assigns
and All Persons, Firms or Associations Claiming
Right, Title or Interest From or Under Robert V.
Aranza, Sr., Deceased, Defendant(s), whose last
known address is 63 Murray Avenue,
Uniontown, PA 15401.

COMPLAINT IN MORTGAGE
FORECLOSURE

You are hereby notified that Plaintiff, U.S.
Bank, National Association, has filed a
Mortgage Foreclosure Complaint endorsed with
a Notice to Defend, against you in the Court of
Common Pleas of Fayette County, Pennsylvania,
docketed to 2117 of 2014 GD, wherein Plaintiff
seeks to foreclose on the mortgage secured on
your property located, 63 Murray Avenue,
Uniontown, PA 15401, whereupon your
property would be sold by the Sheriff of Fayette
County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you
wish to defend against the claims set forth in the
notice above, you must take action within
twenty (20) days after this Complaint and Notice
are served, 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
GO TO OR TELEPHONE THE OFFICE SET
FORTH BELOW. THIS OFFICE CAN
PROVIDE YOU WITH THE 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. LAWYERS
REFERRAL SERVICE, PA Lawyer Referral
Service, PA Bar Assn., 100 South St., P.O. Box
186, Harrisburg, PA 17108. 800.692.7375. Jill
Manuel-Coughlin, Jolanta Pekalska, Harry B.
Reese, Daniel C. Fanaselle & Matthew J.
McDonnell, Attys. for Plaintiff, POWERS
KERN & ASSOC., LLC, 8 Neshaminy
Interplex, Ste. 215, Treveose, PA 19053,
215.942.2090.

NOTICE OF LIMITED LIABILITY COMPANY

NOTICE IS HEREBY GIVEN that a
Certificate of Organization, Domestic Limited
Liability Company has been approved and filed
with the Department of State of the
Commonwealth of Pennsylvania at Harrisburg,
Pennsylvania on June 10, 2015, for a Limited
Liability Company known as Wild About Dance
Competitions, LLC.

Said Limited Liability Company has been
organized under the provisions of the Business
Corporation Law of 1988 of the Commonwealth
of Pennsylvania.

The purpose or purposes of the Limited
Liability Company is dance competitions,
conventions, merchandising, workshops and any
other lawful purpose related thereto for which
Limited Liability Companies may be organized
under the Business Corporation Law.

Melinda K. Dellarose, Esquire
DAVIS & DAVIS
107 East Main Street
Uniontown, PA 15401

JUDICIAL OPINION

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

TRUCK INSURANCE EXCHANGE, as
subrogee of Stephen and Stephanie
Patterson,

Plaintiff,

vs.

JAMES D. CAMPBELL, SR.,
Defendant.

VERNON, J. July 1, 2015

Before the Court are Preliminary Objections filed by Plaintiff, Truck Insurance Exchange, as subrogee of Stephen Patterson and Stephanie Patterson, and by Additional Defendants, Stephen Patterson and Stephanie Patterson, to the Complaint, filed by Defendant, James D. Campbell, Sr., to Join Additional Defendants, Stephen Patterson and Stephanie Patterson.

The instant matter arises out of a fire at the home of Stephen Patterson and Stephanie Patterson, a home which they purchased from James D. Campbell, Jr., and at which it is alleged that Defendant, James D. Campbell, Sr. previously performed electrical work that, according to Plaintiffs, caused the fire. See, Complaint.

The within preliminary objections arise out of Defendant, James D. Campbell, Sr., filing a Complaint to Join Stephen Patterson and Stephanie Patterson as additional defendants on the basis that they are solely responsible for the fire and resulting losses, or alternatively are liable with him for contribution and/or indemnification.

Rule 2252 of the Pennsylvania Rules

of Civil Procedure, “Right to Join Additional Defendants,” provides that “any party may join as an additional defendant any person not a party to the action who may be (1) solely liable on the underlying cause of action against the joining party, or (4) liable to or with the joining party on any cause of action arising out of the transaction or occurrence or series of transactions or occurrences upon which the underlying cause of action against the joining party is based.” The question then becomes whether Stephen Patterson and Stephanie Patterson as subrogees of Truck Insurance Exchange are already “parties to the action” or whether they need to be joined as additional defendants to assert claims against them individually.

Subrogation is an equitable doctrine involving the right of legal substitution. *Kaiser v. Old Republic Ins. Co.*, 741 A.2d 748, 754 (Pa.Super.1999). Subrogation is “intended to place the ultimate burden of a debt upon the party primarily responsible for the loss.” *Jones v. Nationwide Prop. and Cas. Ins. Co.*, 32 A.3d 1261, 1270 (Pa. 2011). It allows the subrogee (the insurer) to step into the shoes of the subrogor (the insured) to recover from the party that is primarily liable (the third party tortfeasor) any amounts previously paid by the subrogee to the subrogor. *Id.* The rights to which the subrogee succeeds are the same as those of the person for whom he is substituted. *Pa. Mfrs.’ Ass’n Ins. Co. v. Wolfe*, 626 A.2d 522, 525 (Pa. 1993).

Subrogation is the “substitution of one [entity] in the place of another with reference to a lawful claim, demand, or right, so that he who is substituted succeeds to the rights of the other in relation to the debt or claim, and its rights, remedies or securities.” *Molitoris v. Woods*, 618 A.2d 985, 989 (Pa.Super. 1992) (quoting *Black’s Law Dictionary*).

Through subrogation the insurer is granted the right “to stand in the shoes of the claimant and assert the claimant’s rights

against the tortfeasor.” Kiker v. Pennsylvania Fin. Responsibility Assigned Claims Plan, 742 A.2d 1082, 1086 (Pa.Super. 1999). The insurer, as subrogee, can only recover damages when his subrogor has a legally cognizable cause of action against a third party, making the right to subrogation contingent on the subrogor having a cause of action against a third party. Id. A subrogee has no greater rights than those held by the subrogor. Chow ex rel. Chow v. Rosen, 812 A.2d 587, 590 (Pa. 2002).

The equitable doctrine of subrogation, thus, places the subrogee in the precise position of the one to whose rights and disabilities he is subrogated. Allstate Ins. Co. v. Clarke, 527 A.2d 1021, 1024 (Pa.Super. 1987).

This Court concurs that no appellate decision in Pennsylvania could be found on this issue, however, the Court finds persuasive the rationale of Allstate Indemnity Co. v. Martin, 2011 WL 2790265 (E.D.Pa. 2011), as cited by Plaintiff and will adopt the following holding:

[A]s a matter of law, an individual [...] cannot be liable in tort to himself. Gov’t Employees Ins. Co. v. Buford, 338 Ill.App.3d 448, 272 Ill.Dec. 786, 788 N.E.2d 90, 98 (Ill.App.2003). As such, a subrogor “cannot be liable in contribution to the defendant for damage to his own property.” Id. at 98. “Whatever contributory negligence that [subrogor] may have been guilty of that proximately caused damage to his [property] might well have been the basis for the defendant asserting an affirmative defense against plaintiff’s claim, but it could never form the basis of an action for contribution against [subrogor].” Id.

Accordingly, we find that Truck Insurance Exchange stands in the precise position of Stephen Patterson and Stephanie Patterson and that Defendant James D. Campbell, Sr. does not have the

ability to bring a third-party claim against them because the Pattersons cannot be liable in tort to themselves. Rather, as explained in Allstate Indemnity Co. v. Martin, Defendant’s assertions should properly be filed as affirmative defenses or as a counterclaim against the Pattersons, and Defendant will be provided thirty days upon which he may file an amended pleading if he so elects.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 1st day of July, 2015, upon consideration of the Preliminary Objections filed by Plaintiff, Truck Insurance Exchange, as subrogee of Stephen Patterson and Stephanie Patterson, and by Additional Defendants, Stephen Patterson and Stephanie Patterson, to the Complaint, filed by Defendant, James D. Campbell, Sr., to Join Additional Defendants, Stephen Patterson and Stephanie Patterson, it is hereby ORDERED and DECREED that the same are GRANTED.

It is further ORDERED and DECREED that the Record shall be opened for thirty (30) days to allow Defendant to file an amended pleading in conformance with the foregoing Opinion.

BY THE COURT:
NANCY D. VERNON, JUDGE

SAVE THE DATE

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AUGUST 20, 2015

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