Monday, March 6, 2023 Pittsburgh Legal Journal • 11

(271) 203671 GD-20-8237 Pottery Barn, et al vs BRGR Management, et al; P-Atty: Adeline Patricia Diulus-Myers, Kathleen Ann Segmiller; D-Atty: Adam Michael Barnes, Alexander L. Holmquist; 1x

(272) 203783 GD-18-4282 Sarah Flaviano vs Barbara Sanzione, et al; P-Atty: **David Charles Brumfield**; D-Atty: **Jonathan Mark Kamin, Louis W. Emmi**; 1x

(273) 204002 GD-21-1264 Thomas R. Shaner, et al vs Zachary T. Cain, et al; P-Atty: **Jeffrey A. Black**; D-Atty: **Craig Lloyd Fishman**; 1x

(274) 204071 GD-21-3021 David Wetmore vs S & S Surface Fabrications, et al; P-Atty: **Katie A. Killion**; D-Atty: **Glenn Albert Huetter**, Jr., **Joseph A. Hudock**, Jr., **Michael T. Della Vecchia**; 1x

(275) 204081 GD-21-19 Jennifer Ewig, et al vs Durga Jarugula; P-Atty: **David M. Moran**; D-Atty: **Diane A. Blackburn**; 1x

(276) 204228 GD-22-7105 James Johnson vs Jose A. Morales, Jr., et al; P-Atty: **Ryan M. Flaherty**; D-Atty: **Kerven M. Moon**; 1x

(277) 204270 GD-14-15866 Jason Byham, et al vs Marlin Berry's Excavating, et al; P-Atty: **John Anthony Renda, Richard H. Galloway**; D-Atty: **Paul K. Geer, Robert A. Loch**; 1x

(278) AR-20-4951 Loretta Warren vs Borough of Wilkinsburg; P-Atty: **Pro Se**; D-Atty: **Matthew J. Kalina**; 3x

# **Non-Jury Trials**

(279) 203943 GD-22-4138 Robin Williams vs Midland Group; P-Atty: **John T. Shaffer, Jr.**; D-Atty: **Pro Se**; 1x

(280) AR-21-3060 James P. Damratoski, Jr. vs Richard Hein; P-Atty: **John Michael Steidle**; D-Atty: **Walter Bernard**; 1x

## Thursday September 28, 2023

## **Jury Trials**

(281) 203206 GD-19-9479 Rickisha Edwards, et al vs James L. Willis; P-Atty: **Nelson Baker Gaugler**; D-Atty: **Stephen J. Summers**; 1x

(282) 203552 GD-21-7350 Becky S. Palamides, et al vs John W. Fitzpatrick; P-Atty: **Peter Damian Friday**; D-Atty: **Kevin Regis O'Malley**; 2x

(283) 203626 GD-20-11507 Averill Blanchard vs Sarah Mechling; P-Atty: **Erin Kelly Rudert**; D-Atty: **John K. Bryan**; 1x

(284) 203637 GD-19-9690 Elizabeth Gindlesperger vs Opal Harbaugh; P-Atty: **Christopher C. Inman**; D-Atty: **Thomas W. Summers**; 1x

(285) 203794 GD-21-13897 Amy Moneck vs Laure Fredley, et al; P-Atty: **Jessica M. Thimons**; D-Atty: **Nicholas J. Zidik**; 2x

(286) 203907 GD-19-7153 Amanda Fosyth vs Mark Timko, et al; P-Atty: **David Kennedy Houck**; D-Atty: **Alan Wolfson**; 1x

(287) 203967 GD-21-10192 Cheryl Schuilling, et al vs Children's Museum of Pittsburgh, et al; P-Atty: **Mark T. Del Duca**; D-Atty: **David Kyle Harouse**, **Paul Earl Pongrace**, **III**; 1x

(288) 204360 GD-12-24643 Paul R. Giba, et al vs Dunkirk Radiator, et al; P-Atty: Alexander J. Jamiolkowski; D-Atty: Christopher J. Sichok, Christopher Todd Yoskosky, Joseph P. Connor, III, Molly L. Kremer, Scott A. Matthews; 1x

(289) 204298 GD-16-8520 Melvin McCane vs Junkel-Wagner Prozesstechnologie, et al; P-Atty: Michael Joseph Colarusso; D-Atty: John M. Kunsch, Robert J. Grimm, Wayne W. Ringeisen; 1x (290) AR-20-1423 Tyree Henderson vs Michael Vargus; P-Atty: **Ashley M. Cagle, Monte J. Rabner**; D-Atty: **Michael A. Weiner**; 1x

(290A) 202726 GD-19-12575 Gale M. Delancey vs Joseph O'Malley; P-Atty: **Thomas Anthony Will**; D-Atty: **Sarah E. Cobbs**; 2x

# **Non-Jury Trials**

(291) 203968 GD-22-5556 Richard S. Deluca vs Timothy N. Barth; P-Atty: **R. Anthony Deluca**; D-Atty: **Pro Se**; 1x

(292) AR-21-659 Hindman Excavating vs Cecelia Sharrock, et al; P-Atty: **Gianni Floro**; D-Atty: **James Thomas Tallman**; 1x

# Friday September 29, 2023

# **Jury Trials**

(293) 202625 GD-20-3849 Ann Hill, et al vs Allegheny Health Network, et al; P-Atty: **Harry Samuel Cohen**; D-Atty: **Kristin L. Pieseski**; 2x

(294) 203340 GD-20-10985 Mary Ann Organ, et al vs City of Pittsburgh; P-Atty: **Amber L. Manson**; D-Atty: **John Vincent DeMarco**; 2x

(295) 203443 GD-20-7886 Holly Bartlett, et al vs City of Pittsburgh, et al; P-Atty: **Anthony J. Giannetti**; D-Atty: **Bryan Christian Devine, Lawrence Henry Baumiller, Samuel A. Hornak**; 2x

(296) 203983 GD-21-12346 David Listorti vs Carols Trinadad, et al; P-Atty: **Marc I. Simon**; D-Atty: **J. Grant Stringham**; 2x

(297) 204235 GD-21-13643 Adam Elliot vs Thomas E. Means, Jr., et al; P-Atty: **Matthew Zamites**; D-Atty: **Robert Sean O'Connell**; 1x

(298) 204239 GD-22-7535 Eric Eleam, Jr. vs Ronald Fela; P-Atty: **Ashley Henkle**; D-Atty: **Michael E. Lang**; 1x

(299) 204264 GD-14-238 Kughting Warehouse, et al vs Debra Fernandez; P-Atty: **Lawrence E. Bolind, Jr.**; D-Atty: **Julian E. Neiser**; 1x

(300) AR-18-3174 Antonio S. Coll, et al vs David Gregory, et al; P-Atty: **No Appearance**; D-Atty: **Brad E. Haas, Jr.**; 6x

(301) AR-21-5044 Kayla Williams vs Cameron Ivy, et al; P-Atty: **Pro Se**; D-Atty: **Jared Quinn**, **Jeffrey D. Ries**, **John E. Quinn**; 2x

# **Non-Jury Trials**

(302) 203021 GD-21-2154
JLB Diversified Investments vs ARK
Basement Services, Inc.; P-Atty:
Charles Christopher Hasson; D-Atty:
Matthew J. Beam; 2x

(303) AR-21-3988 Robert Rape vs Unit 6 Motoring, et al; P-Atty: **Justin David Quinn**; D-Atty: **Wayne M. Chiurazzi**; 1x

## LEGAL ADS

Legal notices that are published in the Pittsburgh Legal Journal are done so pursuant to Title 45 Pa. Code 101 et seq. and various local court rules. The Pittsburgh Legal Journal does not edit any legal advertisement for substance or content, only for format of the publication.

### **Estate Notice**

Letters have been granted on the estate of each of the following decedents to the personal representative named, who requests all persons having claims against the estate of the decedent to make known the same in writing to his/her attorney, and all persons indebted to the decedent to make payment without delay:

Artzberger, James A., deceased, of Franklin Park, PA. No. 05756 of 2022. Sandra L. Artzberger, Extrx., 1300 Cattail Lane, Sewickley, PA 15143 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00781 Mar 6, 13, 20, 2023

Austin, Deborah S., deceased, of Pittsburgh, PA. No. 06432 of 2022. Brian P. Austin, Extr., 3110 Hazel Street, Erie, PA 16508 or to John F. Morris, Esq., Voelker, Kairys & Morris, LLC, Grant Building, 310 Grant Street, Ste. 1220, Pittsburgh, PA 15219-2202.

23-00759 Mar 6, 13, 20, 2023

Brannan, Leonard F., deceased, of Shaler, PA. No. 00792 of 2023. Patrick I. Brannan, Extr., 1348 Davis Avenue, Pittsburgh, PA 15212 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00779 Mar 6, 13, 20, 2023

Browka, Kimberly Marie a/k/a Kimberly Browka, deceased, of McCandless Twp., PA. No. 00839 of 2023. Michele A. Fleischer, Admrx., 5 Dixon Woods, Honeoye Falls, NY 14472 or to Harold A. English, Esq., H.A. English & Associates, P.C., 4290 William Flinn Highway, Suite 200, Allison Park, PA 15101

23-00787 Mar 6, 13, 20, 2023

Dallaba, Carolyn Mary, deceased, of Pittsburgh, PA. No. 06161 of 2022. Kristine Nowak, Admrx., 4404 Finley Elrama Road, Finleyville, PA 15332 or to Thomas J. Boris, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00785 Mar 6, 13, 20, 2023

Fantone, Pietro Joseph, deceased, of Pittsburgh, PA. No. 1489 of 2023. Valerie F. O'Hare, Extrx., 2397 W. Hardies Road, Gibsonia, PA 15044 or to Kevin J. O'Hare, Esq., Yukevich Marchetti Fischer & Zangrilli, PC, The Waterfront Building, Suite 100, 200 First Avenue, Pittsburgh, PA 15222.

23-00423w Mar 6, 13, 20, 2023

Ganzak, John W., deceased, of Pittsburgh, PA. No. 1233 of 2023. Lisa Derbis, Extrx., c/o Jeanne M. Marquette, Esq., Pittsburgh Estate Law, P.C., 1501 Mt. Royal Blvd., Glenshaw, PA 15116.

23-00427w Mar 6, 13, 20, 2023

Gonlin, Thomas P. a/k/a Thomas Gonlin a/k/a Tom Gonlin, deceased, of West Deer Twp., PA. No. 01255 of 2023. Alice R. Gonlin, Extrx., 6129 Little Foxes Run, Columbia, MD 21045 or to Harold A. English, Esq., H.A. English & Associates,

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CLEs



P.C., 4290 William Flinn Highway, Suite 200, Allison Park, PA 15101.

23-00786 Mar 6, 13, 20, 2023

Haines, Daniel V. a/k/a Daniel Verlin F. Haines, deceased, of Aleppo, PA. No. 07759 of 2022. Sean N. Haines, Extr., 1072 Fiddleback Drive, McKees Rocks, PA 15136 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00784 Mar 6, 13, 20, 2023

Kozlowski, Richard J., deceased, of Allison Park, PA. No. 01270 of 2023. Mary Ann B. Kozlowski, Extrx., 3709 Aurelia Drive, Allison Park, PA 15101 or to Richard Ernsberger, Esq., Behrend and Ernsberger, P.C., 355 Fifth Ave., 12th Fl., Pittsburgh, PA 15222.

23-00760 Mar 6, 13, 20, 2023

Peace, Helen L., deceased, of Moon Township, PA. No. 1500 of 2023. David Peace, Extr., 170 East Beaver Street, Sewickley, PA 15143 or to Michele P. Conti, Esq., Conti Law, LLC, 986 Brodhead Road, Moon Township, PA 15108.

23-00426w Mar 6, 13, 20, 2023

Pellecchia, Paul Joseph M., deceased, of Liberty Borough, PA. No. 01251 of 2023. Kenneth B. Hornfeck, Extr., c/o Ryan W. Brode, Esq., Bootay Bevington & Nichols, LLC, 6 Clairton Blvd., Pittsburgh, PA 15236. 23-00758 Mar 6, 13, 20, 2023

Rothbauer, Jean M., deceased, of Glassport, PA. No. 01188 of 2023. Joseph R. Rothbauer, Extr., c/o Amy D. Rees, Esq., Sechler Law Firm LLC, 20206 Route 19, Suite 300, Cranberry Township, PA 16066.

23-00424w Mar 6, 13, 20, 2023

Shearer, Donna L., deceased, of Whitehall, PA. No. 00248 of 2023. Christopher M. Shearer, Admr., 236 Streets Run Road, Pittsburgh, PA 15236 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00780 Mar 6, 13, 20, 2023

Stevenson, Lizabeth M., deceased, of West Mifflin, PA. No. 07768 of 2022. Linda A. Sopher, Extrx., 10150 Levonne Drive, North Huntingdon, PA 15642 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00783 Mar 6, 13, 20, 2023

Ulrich, Mary C. a/k/a Mary Ulrich, deceased, of Shaler Township, PA. No. 03536 of 2022. Allyn R. Vidt, Extr., 105 Hartle Road, Glenshaw, PA 15116 or to James P. Shields, Esq., The Elder Law Offices of Shields & Boris, 1150 Old Pond Road, Bridgeville, PA 15017.

23-00782 Mar 6, 13, 20, 2023

Vucich, Patricia J., deceased, of Pittsburgh, PA. No. 04116 of 2022. Mari D. Moore, Extrx., 19430 Whitewood Drive, Spring, TX 77373 or to Charles B. Hadad, Esq., The Lynch Law Group, LLC, Cranberry Professional Park, 501 Smith Dr., Ste. 3, Cranberry Township, PA 16066.

23-00778 Mar 6, 13, 20, 2023

Wernecke, Benjamin C., deceased, of Pittsburgh, PA. No. 1111 of 2023. Michael J. Wernecke, Sr., Admr., 1309 Fallowfield Avenue, Pittsburgh, PA 15216 or to David P. Siegel, Esq., 27 McKrell Road, Russellton, PA 15076.

23-00788 Mar 6, 13, 20, 2023

Bodzer, Jr., Michael, deceased, of Glassport, PA. No. 01308 of 2023. Violett Bill, Extrx., 122 Lenhart Avenue, Apt. 303, Irwin, PA 15642 or to Melvin P. Gold, Esq., Melvin P. Gold, LLC, 2520 Mosside Boulevard, Monroeville, PA 15146.

23-00362w Feb 27; Mar 6, 13, 2023

Chen, John, deceased, of Pittsburgh, PA.
No. 01240 of 2023. June Chang, Admrx.,
1602 Jancey Street, Pittsburgh, PA 15206.
23-00366w Feb 27; Mar 6, 13, 2023

Knurek, Pauline a/k/a Pauline E. Knurek, deceased, of Springdale Borough, PA. No. 00499 of 2023. Sandra L. Kostewicz, Extrx., c/o Lillian Orzechowski, Esq., PO Box 77, Springdale, PA 15144.

23-00601 Feb 27; Mar 6, 13, 2023

Smith, Charles George a/k/a Charles G. Smith, deceased, of McDonald, PA. No. 01324 of 2023. Lori Kocher, Extrx., c/o Bryan Kocher, Esq., 303 Regent Ct., McDonald, PA 15057

23-00365w Feb 27; Mar 6, 13, 2023

Sypolt, Alice L. a/k/a Alice Jean Love Sypolt, deceased, of Pittsburgh, PA. No. 00843 of 2023. Raymond M. Love, Extr., 116 Richard Drive, Pittsburgh, PA 15237 or to Kassie R. Gusarenko, Esq., Myers Law Group, LLC, 17025 Perry Hwy., Warrendale, PA 15086.

23-00600 Feb 27; Mar 6, 13, 2023

Tomasic, Josephine, deceased, of Pittsburgh, PA. No. 1201 of 2023. Anthony Polka, Extr., c/o Jeanne M. Marquette, Esq., Pittsburgh Estate Law, P.C., 1501 Mt. Royal Blvd., Glenshaw, PA 15116.

23-00363w Feb 27; Mar 6, 13, 2023

### Change of Name

In the Court of Common Pleas of Allegheny County, Pennsylvania: GD-23-940. In re: Petition of Mia Annesty Kurtz-Cocco, for change of name to Mia Annesty Kurtz. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed Monday, March 27, 2023, at 9:30 a.m. as the time and the Motions Room, City-County Bldg., Pittsburgh, PA 15219, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for. Paul J. Giuffre, Jones, Gregg, Creehan & Gerace, LLP, 20 Stanwix Street, Suite 1100, Pittsburgh, PA 15222, Ph: 412-261-6400, Attorney for Petitioner.

23-00420w Mar 6, 2023

## Change of Name

In the Court of Common Pleas of Allegheny County, Pennsylvania: GD-23-1940. In re: Petition of Meghan Mannella, parent(s) and Legal guardian(s) of Mary Clarissa Borushko and Stephen Anthony Borushko for change of names to Mary Clarissa Mannella and Stephen Anthony Mannella. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed Friday, March 24, 2023, at 9:30 a.m. as the time and the Motions Room, City-County Bldg., Pittsburgh, PA 15219, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

23-00837 Mar 6, 2023

## Change of Name

In the Court of Common Pleas of Allegheny County, Pennsylvania: GD-23-000869. In re: Petition of Vincent Park Morro, for change of name to Vanessa Park Morro. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed Tuesday, March 28, 2023, at 9:30 a.m. as the time and the Motions Room, City-County Bldg., Pittsburgh, PA 15219, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

23-00838 Mar 6, 2023

## **Notice of Trust & Termination**

Notice is hereby given of the administration of The Dorothy M. Genser Revocable Living Trust. Dorothy M. Genser, of Shaler Township, Allegheny County Pennsylvania died January 29, 2023.

All persons indebted to The Dorothy M. Genser Revocable Living Trust are requested to make payment without delay and all those having claims against Dorothy M. Genser are directed to present the same without delay to the Co-Trustees or attorney named below:

Ronald W. Genser & Richard C. Genser, Co-Trustees 219 Hytyre Drive, Gibsonia PA 15044: or

Slade R. Miller, Esq., Miller & Miller Attorneys at Law, 4767 William Flynn Highway, Allison Park PA 15101.

23-00599 Feb 27; Mar 6, 13, 2023

### Notice of Trust

Christine G. Jones, late of Pittsburgh, Allegheny County, Pennsylvania, deceased, having created The Christine G. Jones Revocable Trust dated September 17, 2015, appointed Michael Gostomski, as Successor Trustee, and notice is hereby given to all persons indebted to said trust to make immediate payment and to those having claims against the same to present them to the undersigned, duly authenticated for settlement.

Christine G. Jones, Deceased
Late of Pittsburgh, Allegheny County, PA
Successor Trustee:
Michael Gostomski
Attorney:
Rebecca A. Olds
1501 Mt. Royal Blvd.
Glenshaw, PA 15116
23-00614 Feb 27; Mar 6, 13, 2023

## CIVIL DIVISION

### **Arbitration Awards**

(Continued from Page 2, Column 2)

all rent due through date of this hearing less any abatement for breach of Warranty of Habitability. See Sect. 4 regarding escrow funds). Dated 03/02/23. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY. Arbitration Board #39947

Nasir vs Raines; LT-22-001716; P-atty: Pro Se; D-atty: Pro Se; Non Jury Verdict Dated 03/02/2023 a verdict is entered in favor of Plaintiff and against Defendant in the amount of N/A plus costs. Defendant not appearing. It is further Ordered that possession is granted to the Plaintiff of the property located at: 425 N. St. Clair St., Apt 1,, Pittsburgh, PA 15206. The award of possession is not based solely on the failure to pay rent. Plaintiff's request to release escrow funds is Granted, an any monies shall be released and applied to this Verdict. Connelly, J. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY.

Christopher Wren **Apartments** Owner Kofp, LLC vs Victory Health; LT-22-001717; P-atty: Sean J. Carmody; D-atty: Stephen A. Chesney; Award for Plaintiff on claims: for possession based on end of lease term, for damages in the amount of \$15,147.63 for rent (Includes all rent due through date of this hearing less any abatement for breach of Warranty of Habitability. See Sect. 4 regarding escrow funds) and \$780.00 for attorney fees. Dated 03/02/23. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY. Arbitration Board #39947

Christopher Wren **Apartments** Owner Kofp, LLC vs Victory Health; LT-22-001718; P-atty: Sean J. Carmody; D-atty: Stephen A. Chesney; Award for Plaintiff on claims: for possession based on end of lease term, for damages in the amount of \$11,520.08-\$10,880.08 for rent (Includes all rent due through date of this hearing less any abatement for breach of Warranty of Habitability. See Sect. 4 regarding escrow funds) and \$780.00 for attorney fees. Dated 03/02/23. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY. Arbitration Board #39947

**SJ Group/Lumas Management** vs Coker; LT-22-001726; P-atty: Pro Se; D-atty: Pro Se; Award for Plaintiff on claims: for possession based on non-payment of rent, for damages in the amount of \$12,950.00 for rent (Includes all rent due through date of this hearing less any abatement for breach of Warranty of Habitability. See Sect. 4 regarding escrow funds). Dated 03/02/23. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY. Arbitration Board #39948

Carlson vs Jordan; LT-22-001731; P-atty: Pro Se; D-atty: Pro Se; Non Jury Verdict Dated 03/02/2023, a verdict is entered in favor of Plaintiff and against Defendant in the amount of \$3625.00 plus costs. Defendant not appearing. It is further Ordered that possession is granted to the Plaintiff of the property located at: 736 Lorenz Ave. (Rear), Pittsburgh, PA 15220. The award of possession is based solely on the failure to pay rent. Plaintiff's request to release escrow funds is Granted, an any monies shall be released and applied to this Verdict. Connelly, J. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY.

**Squires Manor Apartments** vs Grusofsky; LT-22-001735; P-atty: Sean J. Carmody; D-atty: Pro Se; Non Jury Verdict Dated 02/03/2023 a verdict is entered in favor of Plaintiff and against Defendant in the amount of \$7488.74 plus costs. Defendant not appearing. It is further Ordered that possession is granted to the Plaintiff of the property located at: 6005 Squires Manor Lane, South Park, PA 15219. The award of possession is based solely on the failure to pay rent. Plaintiff's request to release escrow funds is Granted, an any monies shall be released and applied to this Verdict, Connelly, J. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY.

Miyan Associates LLC vs Thapa, et al; CT-22-000019; P-atty: Matthew J. DeMaio; D-atty: Pro Se; Award for Plaintiff on claims: for possession based on nonpayment of rent, and breach of lease condition, other than non-payment of rent, for damages in the amount of \$31,782.00-\$19,520.00 for rent (Includes all rent due through date of this hearing less any abatement for breach of Warranty of Habitability. See Sect. 4 regarding escrow funds), \$8,800.00 for damages to property, \$900.00 attorney fees, and \$2,562.00 utilities as against Defendants Robin Thapa and Ran Pradhan only. Dated 03/02/23. As per Rule 236 Notice, copies sent to all parties MM/DD/YYYY. Arbitration Board #39949

**Crawley** vs JS Associated Services Inc., et al; GD-19-009745; P-atty: Thomas B. Anderson; D-atty: Bryan J. Smith; Non Jury Verdict