

LACKAWANNA JURIST

JUDICIAL OPINION

CASE NAME AND NUMBER: Giles v. Pennsylvania American Water Company, 2020 WL 391742 (Lacka. Co. 2020)

DATE OF DECISION: January 23, 2020

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Christopher P. Caputo, Esquire, Counsel for Plaintiffs

Thomas P. Wagner, Esquire, Kimberly A. House, Esquire, Counsel for Defendant

SUMMARY OF OPINION:

In this slip and fall case involving a fall through an uncovered hole on the deck of an outlet works structure, the defendant-utility demurred to plaintiff's negligence claim on the basis that "there are no allegations regarding what specific duty was owed" to plaintiff. The standard of care that a possessor of land owes to an entrant upon the land depends upon whether the person entering is a trespasser, licensee, or invitee, and plaintiff averred that the utility knew that members of the public, particularly minors, were accessing its outlet works structure and deck prior to her fall and nevertheless permitted them to do so, as evidenced by its failure to post "no trespassing" or to otherwise restrict access to that property. Those allegations created an issue as to whether plaintiff was a licensee by virtue of the utility's tacit consent or implied permission based upon the "customs prevailing in the community." Even assuming *arguendo* that the allegations of the complaint only supported the conclusion that plaintiff was a trespasser, the complaint nonetheless charged the utility with wanton, willful, and reckless conduct, which is sufficient to establish liability under Pennsylvania law. Consequently, the preliminary objection in the nature of a demurrer was overruled.

JUDICIAL OPINION

CASE NAME AND NUMBER: Garanin v. Scranton Housing Authority, 2020 WL 695671 (Lacka. Co. 2020)

DATE OF DECISION: January 27, 2020

JUDGE: Terrence R. Nealon

ATTORNEYS INVOLVED:

Vsevolod Garanin, Self-Represented

Joseph J. Joyce, III, Esquire, Jennifer Menichini, Esquire, Counsel for Defendants

SUMMARY OF OPINION:

After a housing authority inspected plaintiff's property and passed it for Section 8 rental eligibility, plaintiff purchased a property insurance policy and later submitted a property damage claim asserting that boilers had been destroyed by freezing temperatures during the policy period. The insurer denied the claim based upon an expert's examination of the boilers and statements secured from plaintiff's workers establishing that the damage had actually occurred prior to plaintiff's purchase of his insurance policy. Rather than abandon his insurance claim, plaintiff continued to pursue it by falsely representing to the insurer that the damage had been caused by an evicted tenant and that plaintiff had paid a certified plumbing contractor to replace the boilers. As a result, plaintiff was charged with insurance fraud and related offenses, and later pled guilty to attempted theft by deception for failing to correct a false impression that he had intentionally created with his insurer.

Plaintiff then filed this negligence action against the housing authority and its employees claiming that he had detrimentally relied upon the Section 8 housing inspection report in submitting his insurance claim, and seeking to recover damages for "pecuniary loss" that he suffered as a result of his criminal prosecution and conviction. To state a cognizable claim in light of the sovereign immunity from tort liability that the housing authority and its representatives enjoyed, plaintiff was required to establish that his allegations fell within one of the enumerated exceptions to sovereign immunity. Since the Commonwealth Court has held that negligently or incompetently performed examinations by Commonwealth agencies which result in erroneous reports are outside the personal property exception to sovereign immunity, the claims alleged in the complaint were insufficient as a matter of law due to defendants' tort immunity, as a result of which the preliminary objections in the nature of a demurrer were sustained.

ESTATES

First 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 Whiteford, Executrix, c/o Attorney Joseph F. Gaughan, 300 Mulberry Street, Suite 303, Scranton, PA 18503.

Notice is hereby given that Letters of Administration have been granted to Doreen Ruggiero of 10 43rd Street, Fell Twp., PA 18407 to 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

Second Notice

ESTATE OF JAMES F. ANTONIO, deceased, late of Eynon, Lackawanna County, Pennsylvania, died January 7, 2020. Letters Testamentary granted to Valerie J. Antonio. All persons indebted to said Estate are requested to make immediate payment and those having legal claims to present same without delay to Valerie J. Antonio or Frank A. Mazzeo, Jr., Esquire, 327 N. Washington Ave., Suite 506, Scranton, PA 18503.

ESTATE OF NAOMI E. BODDIE, late of the City of Scranton, Lackawanna County, PA, deceased. Letters Testamentary, in the above-named Estate having been granted to the undersigned, all persons indebted to the Estate are requested to make immediate payment and those having claims are directed to present the same without delay to the undersigned or her attorney within four (4) months from the date hereof and to file with the Clerk of the Court of Common Pleas of Lackawanna County, Orphans' Court Division, a particular statement of claim, duly verified by an affidavit setting forth an address within the county where notice may be given to claimant. Marie Camacho, Executrix, c/o Leeth & Gaglione, LLC, 513 Main Street, 2nd Floor, P.O. Box 150, Stroudsburg, PA 18360.

Notice is hereby given that Letters Testamentary have been granted to Monique O. Buttner, Executrix of the **ESTATE OF RICHARD PAZZALIA A/K/A RICHARD B. PAZZALIA**, late of Peckville, PA, who died on December 2, 2019. All persons indebted to the Estate are required to make payment and those having claims or demands are to present the same without delay to the Executrix or to Carl J. Poveromo, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA, 18501.

ESTATE OF RONALD V. WETZEL, late of Simpson, Pennsylvania (died December 24, 2019). Notice is hereby given that Letters of Administration on the above estate have been granted to Gary Bradley Wetzel, of Carbondale, PA and Brandon Keith Wetzel, of Simpson, PA. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Personal Representatives named herein, or to Walter F. Casper, Jr., Esquire, C/O Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

Third Notice

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF VICTOR A. CAMPISI A/K/A VICTOR ANTHONY CAMPISI**, Deceased, late of 61 Archbald Street, Carbondale, Lackawanna County, Pennsylvania 18407, who died on January 17, 2020. All persons indebted to the Estate are requested to make payment and those having claims or demands are to present same, without delay, to the Executor, Philip Campisi, or Michael N. Krisa, Attorney for the Estate, 3397 Scranton/Carbondale Highway, Suite 4, Blakely, Pennsylvania 18447.

ESTATE PF MYRON EDNOCK, late of the City of Carbondale, PA (died December 1, 2019) Dawn M. Ednock Administrator, Frederick M. Moase, Jr., Attorney for the Estate, Law Offices of Frederick M. Moase, Jr., 123 East Garfield Ave, Carbondale, PA 18407.

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ESTATE OF THEOLINDE GROSCH, DECEASED, late of Clarks Summit, Lackawanna County, Pennsylvania, (died November 21, 2019). Notice is hereby given that Letters Testamentary having been granted in the above estate. All persons indebted to said Estate are required to make payments and those having claims or demands are to present the same without delay to Arianne Singer, c/o Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

RE: **ESTATE OF CZESLAWA KAWASH (A/K/A JESSICA KAWASH)**, late of Fell Township, Pennsylvania (died January 6, 2020). Notice is hereby given that Letters Testamentary for the Estate of Czeslawa Kawash (a/k/a Jessica Kawash) have been issued to Lisa Skasko and James McLaughlin, Executors 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 the Executors at 83 Mountain Laurel Drive, Forest City, PA 18421 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Spruce Street, Suite 200, Scranton, PA 18503.

ESTATE OF FRANK MILETTA, Late of Old Forge Borough, PA (DIED December 6, 2019), Regina Ann Miletta, Administratrix, or to Donald J. Frederickson, Jr., KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA, 18507-1017.

ESTATE OF MARK P. MORAN, late of Fleetville, Lackawanna County, Pennsylvania, (died January 13, 2020). Notice is hereby given that Letters of Administration C.T.A. have been issued to Kelly Moran, Administratrix C.T.A. MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

NOTICE IS HEREBY GIVEN that Letters of Administration have been granted in the **ESTATE OF JOHN R. RITTER, JR., A.K.A JOHN RITTER**, late of the City of Scranton, County of Lackawanna, Pennsylvania, who died 02/10/2020. All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to the Administratrix Jason J. Ritter or James P. Phillips, Jr, Esquire, the attorney for the estate at 731 Cliff Drive, Lake Ariel PA 18436.

ESTATE OF CLESTA TRIVELPIECE, DECEASED, late of South Abington Township, Lackawanna County, Pennsylvania, (died February 9, 2020). Notice is hereby given that Letters Testamentary having been granted in the above estate. All persons indebted to said Estate are required to make payments and those having claims or demands are to present the same without delay to Ronald D. Hayden, c/o Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

Letters of Administration have been granted in the **ESTATE OF MARY CATHERINE YARROS** to Robert G. Yarros, Administrator, or to Shrive Law, LLC, Jason A. Shrive, Esquire, 204 Wyoming Ave.-2nd Floor, Scranton, PA 18503, Attorney. All persons having claims against the Estate are

requested to present them in writing and all persons indebted to the Estate are to make payment to it in care of the Attorney noted above.

CERTIFICATE OF ORGANIZATION

Notice is hereby given that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania on February 28, 2020 and approved pursuant to the provisions of the Commonwealth of Pennsylvania Limited Liability Company law of 1994 as amended for the organization of **K & T Quarry Services, LLC**.

T1-4/3

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization for Domestic Limited Liability Company of **PIONEER CITY AUTO AUCTION, LLC**, was filed and approved by the Pennsylvania Department of State on February 24, 2020, in accordance with the provisions of the Pennsylvania Limited Liability Company law of 1994.

BENJAMIN S. SCHNESSEL, Esquire
T1-4/3

CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company, for **LINZM REALTY LLC**, a Pennsylvania limited liability company, has been filed and approved by the Department of State, Commonwealth of Pennsylvania, on March 5, 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. The principal place of business is 512 Wedge Drive, Dickson City, Pennsylvania 18519.

Justin J. Sulla, Esq
T1-4/3

FICTITIOUS NAME

An application for registration of the fictitious name Valley T-shirts and Apparel, 215 Pancoast St., Throop, PA 18512 has been filed in the Department of State at Harrisburg, PA, File Date 01/19/2020 pursuant to the Fictitious Names Act, Act 1982-295. The names and address of the people who are a party to the registration are Christopher S. Granza and Rock Garb Clothing, 215 Pancoast St., Throop, PA 18512.

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