

## LACKAWANNA JURIST

### JUDICIAL OPINION

**CASE NAME AND NUMBER:** Fertig v. Kelley, 2020 WL 6537074 (Lacka. Co.)

**DATE OF DECISION:** November 5, 2020

**JUDGE:** Terrence R. Nealon

**ATTORNEYS INVOLVED:**

Michael J. Pisanchyn, Jr. Esquire, Counsel for Plaintiff

Daniel E. Cummins, Esquire, Counsel for Defendant, Nicholas Kelley

Anthony P. Trozzolillo, Esquire, Counsel for Defendant, Horace Mann Insurance Company and/or Horace Mann Property & Casualty Insurance Company

**SUMMARY OF OPINION:**

An auto accident claimant filed an action seeking compensatory damages from the tortfeasor and underinsured motorist ("UIM") benefits from her own insurer, and also asserted a bad faith claim against the UIM insurer pursuant to 42 Pa.C.S. § 8371. In support of her bad faith claim, plaintiff alleged that the UIM insurer had a duty to pay UIM benefits "that were reasonably due," but "failed to promptly offer payment of the reasonable and fair value" of her claim. The record reflected that the UIM insurer promptly addressed and resolved an issue regarding the timing of the named insured's execution of her limited tort coverage election form under 75 Pa.C.S. § 1705, and reformed the insurance policy to afford full tort coverage to plaintiff. Once plaintiff presented a demand for UIM benefits 14 months after the UIM insurer had granted her full tort status, the UIM insurer denied plaintiff's claim on the ground that the tortfeasor's liability insurance coverage of \$100,000.00 was sufficient to compensate plaintiff for her injuries. After plaintiff later settled her liability claim against the tortfeasor for \$57,500.00, the UIM insurer filed a motion for partial summary judgment with regard to the statutory bad faith claim.

To recover damages for bad faith, plaintiff had to demonstrate, by clear and convincing evidence, that the UIM insurer (1) did not have a reasonable basis for denying UIM benefits to her and (2) knew or recklessly disregarded its lack of a reasonable basis in denying her UIM claim. The first prong of the bad faith test involves an objective inquiry into whether a reasonable insurer would have denied payment of the claim under the facts and circumstances presented. Proof of the insurer's knowledge or reckless disregard of its lack of a reasonable basis in denying the claim satisfies the second element of the bad faith standard.

Even when the summary judgment record was viewed in the light most favorable to the plaintiff, it did not contain sufficient evidence that the UIM insurer lacked a reasonable basis for declining to pay UIM benefits to plaintiff, and that it knew or recklessly disregarded its want of a reasonable basis for denying her claim. A dispute between an insurer and a claimant regarding the value of a UIM claim is not uncommon, and, standing alone, does not create a triable issue of fact as to the insurer's bad faith. The record submitted for review not only supported an objective conclusion that a reasonable insurer would have denied plaintiff's UIM claim on the basis that her damages did not exceed \$100,000.00, as evidenced by her voluntary tort settlement of \$57,500.00, but it was devoid of any evidence that the insurer knew or recklessly disregarded its lack of a reasonable basis. Accordingly, while plaintiff could still pursue her claim for UIM benefits, subject to an offset for the tortfeasors' liability coverage of \$100,000.00, the UIM insurer's motion for partial summary judgment relative to plaintiff's bad faith claim was granted.

### JUDICIAL OPINION

**CASE NAME AND NUMBER:** Palmiter v. Commonwealth Health Systems, 2020 WL 6686540 (Lacka. Co. 2020)

**DATE OF DECISION:** November 10, 2020

**JUDGE:** Terrence R. Nealon

**ATTORNEYS INVOLVED:**

Cynthia L. Pollick, Esquire, Counsel for Plaintiff

Sidney R. Steinberg, Esquire, Daniel F. Thornton, Esquire, Counsel for Defendants

**SUMMARY OF OPINION:**

An employee, who has a separate lawsuit pending against the defendant-employers for wrongful discharge due to her status as a certified medical marijuana user, in violation of the employment protection provision of the Medical Marijuana Act ("MMA"), instituted a second action against those same parties, asserting claims for disability discrimination, failure to provide a reasonable accommodation, and retaliation under the Pennsylvania Human Relations Act ("PHRA"). The employee's claims under the PHRA were premised upon the employers' alleged termination of her following a drug test that was positive for marijuana use, and her allegation that her prescribed medical marijuana use qualifies as a non-job related "disability" that her former employers were required to accommodate. The employers filed preliminary objections asserting that the employee failed to state any claim upon which relief could be granted under the PHRA due to the employee's failure to allege a cognizable "disability."

In defining a "disability" for purposes of employment protection, the PHRA specifically excludes illegal use of a controlled substance and has long applied the federal Controlled Substances Act's definition of marijuana as an illegal, schedule I controlled substance. Although the MMA made prescribed marijuana use lawful within the Commonwealth, and in the process expressly amended several statutes including the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, it did not reference, let alone alter, the PHRA or its definition of "disability" based upon federal law. As plainly worded, the PHRA excludes any use of marijuana from its definition of a "disability," and absent legislative revision of that statutory definition, courts must apply the PHRA's exclusion of marijuana use as a protected "disability." Therefore, since it was clear and free from doubt that the employee could not establish the requisite "disability" under the PHRA based upon the facts averred in the complaint, the employers' preliminary objections were sustained and the employee's PHRA claims were dismissed due to legal insufficiency.

LACKAWANNA JURIST

IN RE: COURT CALENDAR  
FOR THE YEAR 2021

MAURI B. PELLER  
IN THE COURT OF COMMON  
PLEAS OF LACKAWANNA COUNTY  
LACKAWANNA COUNTY

2020 OCT 30 P 4:39 2021-CV-1

CLERK OF  
JUDICIAL RECORDS  
CIVIL DIVISION

**ORDER**

AND NOW, this 27<sup>th</sup> day of October, 2020, it is Ordered that the 2021  
Calendar of the Court of Common Pleas, 45<sup>th</sup> Judicial District, Lackawanna County, shall be as  
follows:

**JANUARY**            4    Civil and Criminal Jury Trials  
                              11    Civil and Criminal Jury Trials  
                              19    Civil and Criminal Jury Trials  
                              25    Miscellaneous Week

**FEBRUARY**            1    Civil and Criminal Jury Trials  
                              8    Civil and Criminal Jury Trials  
                              16    Civil and Criminal Jury Trials  
                              22    Miscellaneous Week

**MARCH**                1    Civil and Criminal Jury Trials  
                              8    Civil and Criminal Jury Trials  
                              15    Civil and Criminal Jury Trials  
                              22    Miscellaneous Week  
                              29    Miscellaneous Week

**APRIL**                    5    Civil and Criminal Jury Trials  
                              12    Civil and Criminal Jury Trials  
                              19    Civil and Criminal Jury Trials  
                              26    Miscellaneous Week

**MAY**                     3    Civil and Criminal Jury Trials  
                              10    Civil and Criminal Jury Trials  
                              17    Civil and Criminal Jury Trials  
                              24    Miscellaneous Week

## LACKAWANNA JURIST

<b><u>JUNE</u></b>	1	Civil and Criminal Jury Trials
	7	Civil and Criminal Jury Trials
	14	Civil and Criminal Jury Trials
	21	Miscellaneous Week
	28	Miscellaneous Week
<b><u>JULY</u></b>	6	Miscellaneous Week
	12	Civil and Criminal Jury Trials
	19	Miscellaneous Week
	26	Miscellaneous Week
<b><u>AUGUST</u></b>	2	Miscellaneous Week
	9	Miscellaneous Week
	16	Miscellaneous Week
	23	Miscellaneous Week
	30	Miscellaneous Week
<b><u>SEPTEMBER</u></b>	7	Civil and Criminal Jury Trials
	13	Civil and Criminal Jury Trials
	20	Civil and Criminal Jury Trials
	27	Miscellaneous Week
<b><u>OCTOBER</u></b>	4	Civil and Criminal Jury Trials
	12	Civil and Criminal Jury Trials
	18	Civil and Criminal Jury Trials
	25	Miscellaneous Week
<b><u>NOVEMBER</u></b>	1	Civil and Criminal Jury Trials
	8	Civil and Criminal Jury Trials
	15	Civil and Criminal Jury Trials
	22	Miscellaneous Week
	29	Civil and Criminal Jury Trials
<b><u>DECEMBER</u></b>	(11/29)	Civil and Criminal Jury Trials
	6	Civil and Criminal Jury Trials
	13	Civil and Criminal Jury Trials
	20	Miscellaneous Week
	27	Miscellaneous Week

LACKAWANNA JURIST

**CRIMINAL DIVISION**

Pre-Trial Conferences are generally held every Friday at 9:00 A.M.

**CIVIL DIVISION\***

Motion Court is held every Monday through Friday at 9:00 A.M.

On the second and last Friday of each month, Court en Banc is held in Courtroom No. 3 at 9:00 A.M. (Court Administrator's Office determines conflict dates).

Discovery Motion Court is held every Monday and Thursday at 9:30 A.M.

Sheriff Sale dates are determined by the Lackawanna County Sheriff's Office; copies may be obtained at the Sheriff's Office.

**FAMILY COURT DIVISION\***

Motion Court is held every Monday through Friday at 9:00 A.M. in the Lackawanna County Government Center at The Globe, located at 123 Wyoming Avenue.


**ORPHANS' COURT DIVISION\***

Motion Court is held every Monday, Wednesday, and Friday at 9:00 A.M. in the Main Courthouse before Judge Geroulo.

On the second and last Friday of each month, Court en Banc is held in Courtroom No. 3 at 9:00 A.M. (Court Administrator's Office determines conflict dates).

**\*PLEASE REFER TO LACKAWANNA COUNTY'S WEBSITE,  
[www.lackawannacounty.org](http://www.lackawannacounty.org) FOR ANY MODIFICATIONS TO THE LISTED  
SCHEDULE**

BY THE COURT:

  
\_\_\_\_\_, P.J.  
The Honorable Michael J. Barrasse,  
President Judge

LACKAWANNA JURIST


<b>2021 LACKAWANNA COUNTY SHERIFF SALE SCHEDULE</b>		
<b>LAST DAY TO FILE</b>	<b>ADVERTISED</b>	<b>SALE DATE</b>
<b>**DEADLINE 12:00 P.M.**</b>		
November 2, 2020	January 8, 2021	<i>February 5, 2021</i>
	January 15, 2021	
	January 22, 2021	
December 7, 2020	February 12, 2021	<i>March 12, 2021</i>
	February 19, 2021	
	February 28, 2021	
March 15, 2021	May 14, 2021	<i>June 11, 2021</i>
	May 21, 2021	
	May 28, 2021	
April 12, 2021	June 11, 2021	<i>July 9, 2021</i>
	June 18, 2021	
	June 25, 2021	
July 5, 2021	September 17, 2021	<i>October 15, 2021</i>
	September 24, 2021	
	October 1, 2021	
August 9, 2021	October 15, 2021	<i>November 12, 2021</i>
	October 22, 2021	
	October 29, 2021	

SCHEDULE OF DISTRIBUTION WILL BE MADE ON ALL SALES WITHIN 30 DAYS OF SALE DATE. THIS DATE WILL BE LISTED ON POSTERS AND IN THE NEWSPAPER. A DEPOSIT OF 10% OF THE BID PRICE IS TO BE PAID IN CASH, CASHIER'S CHECK OR CERTIFIED CHECK IMMEDIATELY TO THE SHERIFF AT THE TIME OF THE BID. IN THE EVENT THAT 10% IS NOT PAID IMMEDIATELY, THE PROPERTY WILL BE SOLD AGAIN AT THE END OF THE CURRENT SALE. SAID DEPOSIT WILL BE FORFEITED IN THE EVENT THE BALANCE OF THE BID PRICE IS NOT PAID BY 2 O'CLOCK ON THE AFTERNOON OF SAID DATE.

LACKAWANNA JURIST

2021 ORPHANS' COURT CALENDAR			
Dates for filing ACCOUNT STATEMENTS of PROPOSED DISTRIBUTION, OBJECTIONS, and LAST DATE to SUBMIT TO COURT FOR AUDIT			
Last day for filing ACCOUNTS and STATEMENTS OF PROPOSED DISTRIBUTION	Dates for ADVERTISING	LAST DAY FOR OBJECTIONS	LAST DAY TO SUBMIT TO COURT FOR AUDIT
January 4 2021	January 15 2021 January 22 2021	February 1 2021	February 2 2021
March 5 2021	March 19 2021 March 26 2021	April 5 2021	April 6 2021
May 7 2020	May 21 2021 May 28 2021	June 7 2021	June 8 2021
July 2 2021	July 16 2021 July 23 2021	August 2 2021	August 3 2021

LACKAWANNA JURIST

Last day for filing ACCOUNTS and STATEMENTS OF PROPOSED DISTRIBUTION	Dates for ADVERTISING	LAST DAY FOR OBJECTIONS	LAST DAY TO SUBMIT TO COURT FOR AUDIT
September 3 2021	September 17 2021 September 24 2021	October 4 2021	October 5 2021
November 5 2021	November 19 2021 November 26 2021	December 6 2021	December 7 2021
A certified copy of the ORDER shall be filed in the Office of the Clerk of Judicial Records and Register of Wills.			
This ORDER shall be published in the Lackawanna County Jurist			
BY THE COURT:  Michael J Barrasse, PJ			

LACKAWANNA JURIST

Jessica Eskra, Esquire  
City Solicitor  
Attorney I.D. No.: 319426  
Joseph G. Price, Esquire  
Assistant City Solicitor  
Attorney I.D. No: 317300  
Scranton City Hall – Law Department  
340 N. Washington Avenue  
Scranton, PA 18503  
Phone: (570) 348-4105

MAURI B. KELLY  
LACKAWANNA COUNTY  
CLERK OF  
JUDICIAL BRANCH  
CIVIL DIVISION  
2020 OCT -9 PM 3:01

IN RE: CITY OF SCRANTON :  
REQUEST TO TRANSITION TO : IN THE COURT OF COMMON PLEAS  
PAYROLL PREPARATION TAX : OF LACKAWANNA COUNTY  
:  
:  
:  
: 2020 CV 3260

RULE TO SHOW CAUSE

NOW, TO WIT, this 9th day of October, 2020, the City of

Scranton having filed with this Honorable Court a Petition for Approval to Introduce Payroll Preparation Tax Ordinance and Approve Rate at Which Tax Will Be Levied (the "Petition"), it is hereby Ordered that a Rule to Show Cause is Granted, returnable upon persons, individuals, associations, and businesses that may be subjected to the Payroll Preparation Tax.

Pursuant to Lackawanna County Rules of Civil Procedure Rule 440(c), IT IS FURTHER ORDERED THAT:

1. Notice of the filing of the Petition as well as the hearing date and time shall be published once in a newspaper of general circulation and once in the Lackawanna County Jurist at least Twenty (20) days prior to the hearing date.
2. Proof of the above ordered Publication, by way of affidavit, shall be filed prior to the hearing.
3. Anyone wishing to file a Response to the Petition must file same on or before 2 day of November, 2020 by 4:00 o'clock p.m. at the Clerk



LACKAWANNA JURIST

123 Wyoming Avenue  
of Judicial Records Office Civil Division, ~~corner of North Washington Avenue and  
Spruce Street~~, Scranton, PA 18503 and to serve a copy of the same upon the City of  
Scranton at City Hall – Law Department, 340 N. Washington Avenue, Scranton, PA  
18503.

4. A hearing on the Petition is scheduled for the 30<sup>th</sup> day of November,  
2020, to take place at 9 : 30 A .m. in Courtroom TBA of the  
Lackawanna County Courthouse, 200 N. Washington Avenue, Scranton, PA 18503;

before The Hon. Thomas Minley

BY THE COURT,

Conrad K. Neuber  
J.

**LACKAWANNA JURIST**

Joseph G. Price, Esquire  
Assistant City Solicitor  
Attorney I.D. No: 317300  
Scranton City Hall – Law Department  
340 N. Washington Avenue  
Scranton, PA 18503  
Phone: (570) 348-4105

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IN RE: CITY OF SCRANTON                   :    IN THE COURT OF COMMON PLEAS  
REQUEST TO TRANSITION TO             :            OF LACKAWANNA COUNTY  
PAYROLL PREPARATION TAX             :            :  
  :  
  :            2020 CV

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**PETITION FOR APPROVAL TO INTRODUCE PAYROLL PREPARATION TAX  
ORDINANCE AND APPROVE RATE AT WHICH TAX WILL BE LEVIED**

The Petitioner, City of Scranton, through its Assistant Solicitor, Joseph G. Price, Esq., brings forth this petition pursuant to the Municipalities Financial Recovery Act, 53 P.S. §11701.101 et seq. seeking this Honorable Court’s approval to introduce an ordinance to the Scranton City Council that would and avers the following in support thereof:

1. Petitioner, City of Scranton (hereafter referred to as the “City”), is a duly incorporated City of the Class 2A, with offices at 340 North Washington Avenue, in the City of Scranton, County of Lackawanna, Commonwealth of Pennsylvania 18503; the City’s Home Rule Charter became effective January 5, 1976 as governs the City’s operations.

2. On January 10, 1992, following a public hearing held pursuant to 53 P.S. §11701.203 (b), the Department of Community Affairs of the Commonwealth of Pennsylvania (hereafter referred to as the “Department”) determined that Scranton was financially distressed pursuant to the criteria in Section 201 of the Act, 53 P.S. §11701.201, and declared Scranton to be a distressed municipality.

3. The Pennsylvania Economy League (hereafter referred to as “PEL”) was commissioned by the Department to develop a Recovery Plan for Scranton pursuant to Section 241 of the Act, 53 P.S. §11701.241.

## LACKAWANNA JURIST

4. On June 5, 2017, PEL submitted a three-year Act 47 Exit Plan to the City (hereafter referred to as the “Exit Plan”). The 2017 Act 47 Exit Plan is attached hereto as Exhibit “A”.
5. Scranton City Council passed File of the Council No. 111 of 2017 which adopted the Exit Plan on July 27, 2017; Mayor William L. Courtright subsequently signed File of Council No. 111 of 2017 into law on July 28, 2017.
6. The 2017 Exit Plan was adopted pursuant to 53 P.S. §§11701.241 *et seq.*, 11701.254 *et seq.*
7. The 2017 Exit Plan required the City to consider a transition from the mercantile/business privilege tax to the payroll preparation tax (See page 9-4 of the Exit Plan).
8. The PA General Assembly passed Act 86 of 2016, as amended by Act 30 of 2020, authorizing the Scranton School District a transition from the mercantile/business privilege tax to the payroll preparation tax
9. The Scranton School District put the question to the voters of whether the residents of the City of Scranton would be in favor of transitioning to a payroll preparation tax in the fall of November, 2019 and the people of Scranton by a vote of 9,585 to 3,680 overwhelmingly voted in favor of the tax change measure.<sup>1</sup>
9. On March 31, 2020, PEL submitted to the City an Exit Plan amendment that addressed the serious concerns that the COVID-19 pandemic is projected to have on the City’s finances and revenues.
10. On July 21, 2020, Scranton City Council adopted an ordinance amending the Exit Plan to allow for an eighteen (18) month expansion of time for the City of Scranton to implement the Exit Plan and exit distressed status, amongst other amendments not *per se* relevant to the within petition. A copy of the Ordinance and Exit Plan amendment is attached hereto as Exhibit “C”.

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<sup>1</sup> See Lackawanna County Department of Elections Certified Results, November 5, 2019 Municipal Election, the relevant sections of which are attached hereto as Exhibit “B”.

## LACKAWANNA JURIST

11. The 2020 Exit Plan amendment still requires the City to consider a transition from the mercantile/business privilege tax to the payroll preparation tax.

12. 53 P.S. §11701.123(c)(1.1) of the Municipalities Financial Recovery Act grants a municipality that has adopted a plan under Subchapters C and C.1 of Chapter 2<sup>2</sup> the right to petition the court of common pleas of the county in which the municipality is located for permission to introduce an ordinance that would levy a payroll preparation tax pursuant to the requirements set forth in 53 P.S. §11701.123(d)(2).<sup>3</sup>

13. As stated above, the City adopted its Exit Plan pursuant to 53 P.S. §§11701.241 *et seq.*, 11701.254 *et seq.*<sup>4</sup> and the Exit Plan amendment pursuant to 53 P.S. §11701.249.

14. The City is therefore eligible to petition this Honorable Court to for the right to introduce an ordinance that would transition from levying a business privilege tax or mercantile tax to payroll preparation tax.

15. 53 P.S. §11701.123(d)(2) requires a municipality seeking to levy a payroll preparation tax to have the municipality's plan coordinator certify that the rate at which the payroll preparation tax will be levied is in compliance with the following: "the municipality may impose the tax not to exceed a rate that is sufficient to produce revenues equal to revenues collected as a result of a business privilege tax and a mercantile tax under Chapter 3 of The Local Tax Enabling Act in the preceding fiscal year."

16. The court must then approve that the proposed rate is in compliance with the applicable laws.

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<sup>2</sup> 53 P.S. §§11701.241 *et seq.*, 11701.254 *et seq.*

<sup>3</sup> 53 P.S. §11701.141(a.1) specifically grants this Honorable Court jurisdiction over the within petition as well: "[t]he court of common pleas of each county shall have jurisdiction to hear a petition filed by a municipality which has adopted a plan pursuant to Subchapter C or C.1 of Chapter 2 to levy a payroll preparation tax authorized by section 123(c)(1.1)."

<sup>4</sup> *See* Paragraph 6.

## LACKAWANNA JURIST

17. Presently, the City is calculating the appropriate rate at which the payroll preparation tax needs to be in compliance with the applicable laws and will present the requested rate and evidence as to why it is in compliance at the time of the hearing.

18. Further, 53 P.S. §11701.123(d)(2) prevents a municipality that has adopted a payroll preparation tax from levying a business privilege tax or mercantile tax.

19. If the within petition is granted and the City is allowed to present an ordinance for open and public debate, any ordinance presented for debate would abolish the City's business privilege tax and mercantile tax.

20. Approval of this petition would *not* implement the payroll preparation tax; rather, it would permit the City to introduce an ordinance for City Council's consideration that would transition the City from levying a business privilege tax and mercantile tax to a payroll preparation tax at the rate approved by this Honorable Court.

WHEREFORE, it is respectfully requested that this Honorable Court:

- (a) Establish a time and date for a hearing regarding this Petition, on an expedited basis.
- (b) Following said hearing, enter an order authorizing the City to introduce an ordinance that would see the City transition from levying the business privilege tax and mercantile tax to a payroll preparation tax to a payroll preparation tax.
- (c) Enter an order approving the City's proposed rate at which the payroll preparation tax will be levied.

Respectfully submitted,

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Joseph G. Price, Esquire  
Assistant City Solicitor

**LACKAWANNA JURIST**

**VERIFICATION**

I, Paige G. Cognetti, Mayor of the City of Scranton, hereby verify that the statements contained in the Petition for Approval to Introduce Payroll Preparation Tax Ordinance and Approve Rate at which Tax Will Be Levied are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Paige G. Cognetti  
Mayor, City of Scranton

## LACKAWANNA JURIST

### ESTATES

#### First Notice

**ESTATE OF JANICE BURKHART**, late of South Abington Township, Lackawanna County, PA (died July 22, 2020), David A. Howell, Executor, 336 South State Street, Clarks Summit, PA 18411.

**ESTATE OF MARGARET G. FORD A/K/A MARGARET FORD**, late of Waverly Township, Lackawanna County, Pennsylvania (died October 9, 2020). Letters Testamentary 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 John Ford, Executor, of 1002 Violet Terrace, P.O. Box 96, Waverly Township, PA 18471 or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

NOTICE is hereby given that Letters of Administration have been given in the **ESTATE OF LOUIS A. KAHANOWITZ**, late of Scranton, Lackawanna County, Pennsylvania, who died October 18, 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 Administratrix, Diane L. Kahanowitz, c/o Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

IN RE: **ESTATE OF DOROTHY KAVALOW**, late of Olyphant, Lackawanna County, Pennsylvania (died March 28, 2020). Letters of Administration in the above Estate having been granted, all person having claims or demands against the Estate of the Decedent shall make them known and present them, and all persons indebted to the said Decedent shall make payment thereof, without delay, to Estate Personal Representative, Mark Kavalow, or to Joseph S. Toczydlowski, Jr., Esquire, 723 North Main Street, Archbald, PA 18403.

IN RE: **ESTATE OF JOSEPH J. MUSHOW, JR.**, late of Archbald, Lackawanna County, Pennsylvania (died September 24, 2020). Letters of Administration in the above Estate having been granted, all person having claims or demands against the Estate of the Decedent shall make them known and present them, and all persons indebted to the said Decedent shall make payment thereof, without delay, to Estate Personal Representative, Melissa Mushow, or to Joseph S. Toczydlowski, Jr., Esquire, 723 North Main Street, Archbald, PA 18403.

**ESTATE OF MARIE PEERS A/K/A MARIE M. PEERS**, late of South Abington Township, Lackawanna County, Pennsylvania (died September 10, 2020). Letters Testamentary 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 Pamela Peers, Executor, of 132 Edgewood Drive West, South Abington Township, PA 18411 or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

Notice is hereby given that letters of testament, have been granted in the **ESTATE OF ROBERT P. RITTERBECK**, late of Spring Brook Twp., PA (died 9/22/20). 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: Thomas P. Ritterbeck, Executor; or Michael E. Brier, Atty., 410 Jefferson Ave., Scranton PA, 18510.

**ESTATE OF LEO V. RUMOVITZ (AKA LEO V. RUMOVITZ, JR.)**, late of Olyphant, Lackawanna County, Pennsylvania (died August 7, 2019). Personal Representative is Michael Glenn, 333 Main Street, Eynon, PA 18403. Attorney for the Estate is Nancy M. Barrasse, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF EDWARD P. RUTKOWSKI**, Deceased, late of Dickson City, Lackawanna County, Pennsylvania, 18519 who died on June 19, 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, Dr. Paul Rutkowski, or John P. Sanderson, III, Attorney for the Estate – Sanderson Building, One Terrace Drive, Olyphant, Pennsylvania 18447.

#### Second Notice

**ESTATE OF WILLIAM J. GAUL**, late of Madison Township, Pennsylvania, (Died July 20, 2020). Notice is hereby given that Letters of Administration on the above Estate have been granted to Kimberly Presti, Administrator. All persons indebted to the said Estate are required to make payment and those having claims to present the same without delay to the Administrators named herein, or to Jill M. Spott, Esquire, Sheils Law Associates, P.C., Attorney for Estate, 108 North Abington Road, Clarks Summit, Pennsylvania 18411.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF EUGENE J. HARRISON**, Deceased, late of 374 N. Main Street, Archbald, Lackawanna County, Pennsylvania 18403 (died March 22, 2019), and all persons indebted to said estate are requested to make payment, and those having claims to present the same without delay, to John F. Harrison c/o Michael J. Ossont, Esquire, The Mattioli Law Firm, 425 Spruce Street, Suite 300, Scranton, PA 18503, Attorney for the Estate.

**ESTATE OF ROBERT HOPKINS A/K/A ROBERT W. HOPKINS**, late of Glenburn Township, Lackawanna County, Pennsylvania (died September 13, 2020). Letters Testamentary 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 Mark R. Hopkins, Executor, of 189 N. Gravel Pond Road, Clarks Summit, PA 18411 or to James J. Gillotti, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, PO Box 240, Clarks Summit, PA 18411.

**ESTATE OF ROSEMARIE MECCA**, late of Dunmore, Pennsylvania (died 09/17/2020). Notice is hereby given that Letters of Testamentary on the above Estate have been granted to Ann Marie Gallagher, Executrix. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Executor named herein, or to Patrick N. Coleman, Esquire, Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

**ESTATE OF REGINA MIRA, A/K/A REGINA G. MIRA**, late of Scranton, Lackawanna County, Pennsylvania (died February 22, 2020). Personal Representative is Carolyn Duggan, 205 Alicia Street, Old Forge, PA 18518. Attorney for

## LACKAWANNA JURIST

the Estate is Nancy M. Barrasse, Esquire, 224 Adams Avenue, Scranton, Pennsylvania 18503.

**ESTATE OF ELEANOR M. MULLEN A/K/A ELEANOR MULLEN** late of Jessup, Lackawanna County, Pennsylvania (died June 20, 2020). Notice is hereby given that Letters Testamentary been issued to Mary Rakos, 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.

**ESTATE OF JOHN H. MUNLEY**, late of the Borough of Archbald, Lackawanna County, Pennsylvania (date of death: May 13, 2020) Executor: John F. Munley, Attorneys: Needle Law, P.C., 240 Penn Avenue – Suite 202, Scranton, PA 18503. Nicholas, S. Mattise, Esquire.

NOTICE is hereby given that Letters Testamentary have been given in the **ESTATE OF JOSEPH RALPH RIVIELLO, JR., A/K/A JOSEPH R. RIVIELLO, JR.**, late of Old Forge, Lackawanna County, Pennsylvania, who died July 18, 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 Co-Executrices, Kimberly Ann Riviello Eriksen and Christine Riviello, c/o Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

Notice is hereby given that Letters of Administration have been granted in the **ESTATE OF ROSE MARY SOPP**, late of the Borough of Old Forge, Lackawanna County, Pennsylvania, who died on January 31, 2019. All persons indebted to said Estate are required to make prompt payment and those having claims or demands are to present the same without delay to Administratrix, Danielle Jackiel, 14 Rebel Hill Road, Mountain Top, PA 18707. M. John Haley, Esquire, 115 East Bennett Street, Kingston, PA 18704.

NOTICE is hereby given that Letters of Administration have been given in the **ESTATE OF CHARLES EDWARD WERNER**, late of Clarks Summit, Lackawanna County, Pennsylvania, who died September 4, 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 Administratrix, Carol A. Werner, c/o Hourigan, Kluger & Quinn, P.C., 600 Third Avenue, Kingston, PA 18704.

### Third Notice

NOTICE IS HEREBY GIVEN that Letters of Administration have been issued to Angelo J. Bertinelli, Administrator of the **ESTATE OF LUCIA V. BERTINELLI**, Deceased, who died on February 2, 2020, late of Jessup, Lackawanna County, Pennsylvania. All creditors are requested to present their claims and all persons indebted to the decedent will make payment to the aforementioned Administrator or his attorney, ROSENN, JENKINS & GREENWALD, LLP, 15 South Franklin Street, Wilkes-Barre, PA 18711-0075.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF ALBERT J. BURNETTI**, deceased, late of Olyphant, Lackawanna County, Pennsylvania who died on October 12, 2020. 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 James Burnett, 17721 Shady Mill Road,

Derwood, MD, or to Donald P. Dolan, Esquire, Attorney for the Estate, 436 Jefferson Avenue, Scranton, PA 18510.

**ESTATE OF JOHN J. EARLEY, SR.**, Late of Dunmore, died September 25, 2020. Notice is hereby given that Letters Testamentary on the above estate have been granted to Marianne Pololuk, as Executrix. All persons indebted to this Estate are required to make payment and those having claims are required to present the same without delay to the Executor named within or to Kelly Hadley, Esq., 345 Wyoming Ave., Scranton, PA 18503.

**ESTATE OF MARY ANNE EGGLESTON A/K/A MARY EGGLESTON**, Deceased. Late of Scranton, Lackawanna County, PA. D.O.D. 10/5/19. Letters of Administration on the above Estate have been granted to the undersigned, who request 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 Robert H. Eggleston, Jr., Administrator, c/o Margaret Gallagher Thompson, Esq., 200 Four Falls Corp. Center, Ste. 400, West Conshohocken, PA 19428. Or to his Atty.: Margaret Gallagher Thompson, Cozen O'Connor, 200 Four Falls Corp. Center, Ste. 400, West Conshohocken, PA 19428.

**ESTATE OF DOMINICK FIORILLO, DECEASED**, late of Scranton, Lackawanna County, Pennsylvania, (died October 5, 2020). Letters Testamentary having been granted, creditors shall make demand and debtors shall make payment to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF ALOYSIUS T. HUGHES A/K/A AL T. HUGHES**, late of Scranton, Lackawanna County, Pennsylvania, who died September 29, 2020. All persons indebted to said decedent are requested to make payment and those having claims or demands against the estate are to present the same without delay to Timothy Hughes, Executor, C/O Bruce K. Anders, Esquire, 1107 Highway 315, Suite 2, Plains, PA 18702.

**ESTATE OF MARGARET P. MCHALE, DECEASED**, late of Olyphant, Lackawanna County, Pennsylvania, (died October 3, 2013). Letters of Administration having been granted, creditors shall make demand and debtors shall make payment to Stephen J. Evers, Esq., Attorney for the Estate, 213 R. North State Street, Clarks Summit, PA, 18411.

**ESTATE OF PETER D. NORTHPUP**, late of West Abington Township, Lackawanna County, Pennsylvania (died June 23, 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 Samuel Northup, Administrator, of 105 Jennifer Drive, South Abington Twp., Pennsylvania 18411 or to John M. Price, of Oliver, Price & Rhodes, Attorney for the Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

**ESTATE OF HELEN PFISTERER**, late of South Abington Township, Lackawanna County, Pennsylvania (died September 1, 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 Cynthia D. Caffall, Administrator, of 108 Maggies Rd., South Abington Twp., Pennsylvania 18411 or to John M. Price, of Oliver, Price & Rhodes, Attorney for the



## LACKAWANNA JURIST

Estate, 1212 South Abington Road, P.O. Box 240, Clarks Summit, Pennsylvania 18411.

IN RE: **ESTATE OF ANTOINETTE M. VOJACK**, late of Olyphant, Lackawanna County, Pennsylvania (died December 15, 2018). Letters of Administration in the above Estate having been granted, all person having claims or demands against the Estate of the Decedent shall make them known and present them, and all persons indebted to the said Decedent shall make payment thereof, without delay, to Estate Personal Representative, Walter Vojack, Jr., or to Joseph S. Toczylowski, Jr., Esquire, 723 North Main Street, Archbald, PA 18403.

### CHANGE OF NAME

Notice is hereby given that on September 25, 2020 , the Petition for a Change of Name was filed in the Court of Common Pleas of Lackawanna County by Christina Spindler to change his/her son/daughters name from Reese Frances Gilgallon to Reese Frances Spindler. The court has fixed November 24<sup>th</sup> at 9:30am as the date and time of the hearing.

T1-11/20

### CHANGE OF NAME

Notice is given that Alexander Pyralis Vasilis has filed a Petition for change of Name from Alexander Pyralis Vasilis to Eric Douglas Soskin. A hearing will be held on December 2, 2020 at 9:30am at the Lackawanna County Courthouse.

T1-11/20

### CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT Certificate of Organization for Domestic Limited Liability Company of **SCRANTON ROOFING PROS, LLC** was filed with and approved by the Pennsylvania Department of State on October 20, 2020, in accordance with the provisions of the Pennsylvania Limited Liability Company Law of 1994.

BENJAMIN S. SCHNESSEL, ESQUIRE  
T1-11/20

### CERTIFICATE OF ORGANIZATION

NOTICE IS HEREBY GIVEN THAT a Certificate of Organization for **Johnson Towing & Recovery, LLC**, was filed with and approved by the Department of State of the Commonwealth of Pennsylvania on September 25, 2020, for the purpose of forming a Limited Liability Company pursuant to the provisions of the Pennsylvania Limited Liability Company Law of 1994, 15 Pa. C.S.A. Section 8901, as amended. The purpose of the Limited Liability Company is to engage in all lawful purposes for which a Pennsylvania LLC is authorized to do business. The initial registered office will be at 517 Mill Street, Peckville, PA 18452.

T1-11/20