



VOL. 105  
NO. 25

105  
ERIE

JUNE 24  
2022

# ERIE COUNTY LEGAL JOURNAL

OPINION  
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## ERIE COUNTY LEGAL JOURNAL

Reporting Decisions of the Courts of Erie County  
The Sixth Judicial District of Pennsylvania

Managing Editor: Megan E. Anthony

PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.

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## ERIE COUNTY BAR ASSOCIATION CALENDAR OF EVENTS AND SEMINARS

### MONDAY, JUNE 27, 2022

Senior Lawyers Division Special Event  
Fareed Zakaria at Chautauqua Institute  
One Ames Avenue, Chautauqua, NY 14722  
*Click link for details*

<https://www.eriebar.com/events/ecba-events/1761-senior-lawyers-division-special-event-fareed-zakaria-at-chautauqua-institute>

### MONDAY, JUNE 27, 2022

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters in-person or via Zoom

### THURSDAY, JUNE 30, 2022

AKT Kid Konnection Event  
6:05 p.m. - game time  
Erie Seawolves at UPMC Park  
831 French St., Erie

### FRIDAY, JULY 1, 2022

Wellness Committee Meeting  
Noon  
ECBA Headquarters in-person or via Zoom

### MONDAY, JULY 4, 2022

Fourth of July Holiday  
ECBA Office Closed  
Erie County and Federal Courthouses Closed

### TUESDAY, JULY 5, 2022

Estates & Trusts Section CLE Meeting  
ECBA Headquarters in-person or via Zoom

### WEDNESDAY, JULY 6, 2022

Bench Bar Committee Meeting  
4:00 p.m.  
ECBA Headquarters in-person or via Zoom

### WEDNESDAY, JULY 13, 2022

Workers' Compensation Section Meeting and Social Hour  
4:00 p.m.  
ECBA Headquarters in-person or via Zoom

### THURSDAY, JULY 14, 2022

Roberts Scholarship Candidate Interviews  
8:30 a.m.  
ECBA Headquarters in-person or via Zoom

### THURSDAY, JULY 14, 2022

AKT Kid Konnection Event  
5:30 p.m.  
School Shopping at Millcreek Mall  
5800 Peach St., Erie

### WEDNESDAY, JULY 20, 2022

Civil Litigation Section Meeting  
Noon  
ECBA Headquarters in-person or via Zoom

### FRIDAY, JULY 22, 2022

Diversity & Inclusion Section  
Leadership Group Meeting  
Noon  
ECBA Headquarters in-person or via Zoom

### 2022 BOARD OF DIRECTORS

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June 24 and July 1

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**ANGELA HUSTED and JON HUSTED, Plaintiff**

**v.**

**JOSEPH J. DOMBKOWSKI, Defendant**

**JON HUSTED, Plaintiff**

**v.**

**JOSEPH J. DOMBKOWSKI, Defendant**

*CIVIL PROCEDURE / PLEADINGS / COMPLAINT / AMENDMENT*

A motion to amend a pleading is addressed to the sound discretion of the trial court. In exercising its discretion, a trial court should liberally allow amendments so as to permit cases to be decided on the merits. However, the discretion is not unfettered; an amendment should not be permitted where it will present an entirely new cause of action or unfairly surprise or prejudice the opposing party

*CIVIL PROCEDURE / PLEADINGS / COMPLAINT / AMENDMENT*

Pennsylvania Rule of Civil Procedure 1033(a) permits amendments to the pleadings at any time, even if the amendment gives rise to a new cause of action or defense. However, a proposed amendment may be denied if would unfairly prejudice the opposing party or create a new cause of action after the expiration of the statute of limitations.

*CIVIL PROCEDURE / PLEADINGS / COMPLAINT /  
AMENDMENT / PUNITIVE DAMAGES*

A demand for punitive damages is incidental to the underlying claim and therefore the motion to amend complaint does not seek to add a new claim after the statute of limitations has run.

*DAMAGES / PUNITIVE / SUFFICIENCY OF PLEADING*

The complaint alleges that Defendant negligently operated his vehicle in several ways, including operating it when he knew he was sleep-deprived and ultimately falling asleep at the wheel. Therefore, the complaint did assert facts that the Defendant knew (or should have known) that the fatigue he was experiencing that day would cause him to fall asleep and thus render him “unfit to operate a motor vehicle.” A jury could infer that the Defendant’s actions in choosing to drive when he knew that he was tired and sleep-deprived rose to the level of reckless indifference which would allow jurors to award punitive damages.

*CIVIL PROCEDURE / PLEADINGS / COMPLAINT / AMENDMENT*

Nothing about the nature or the timing of the amendment to include a claim for punitive damages prejudices the Defendant or his ability to present a defense. Defendant has been aware of Plaintiffs’ claims that Defendant was negligent for falling asleep while driving and deciding to operate a motor vehicle while he was tired. The motion to amend was made well in advance of trial, and Defendant will have sufficient notice and time to prepare.

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA**

**CIVIL ACTION - LAW**

No.: Consolidated at 11966 - 2019

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA**

**CIVIL ACTION - LAW**

No.: Consolidated at 11966 - 2019

Appearances: Craig A. Markham, Esq., Attorney for Plaintiffs  
Joanna K. Budde, Esq., Attorney for Defendant

**OPINION**

Ridge, J.,

June 9, 2022

This matter comes before the Court on Plaintiffs’ Motion to Amend Complaint to seek punitive damages against Defendant Joseph J. Dombkowski. After considering the briefs and oral arguments for all parties, the Court will grant the Motion for the reasons that follow.

**I. FACTUAL AND PROCEDURAL HISTORY**

This personal injury action arises out of a motor vehicle accident that occurred on August 9, 2017. It is alleged that Defendant Joseph J. Dombkowski (Dombkowski) was driving his vehicle westbound on West 38th Street at approximately 4:15 p.m. when he swerved across the center line and collided with Plaintiffs’ eastbound vehicle, causing it to roll over. Plaintiffs Angela Husted and Jon Husted (her son) were the occupants of the Husted vehicle and allegedly suffered injuries as result of the incident. Plaintiffs initiated these actions by writs of summons on July 23, 2019 and August 6, 2019 and filed their Complaint on February 11, 2020.<sup>1</sup> The Complaint alleges that Defendant was negligent, among other reasons, for falling asleep while operating his motor vehicle and in [o]perating his motor vehicle while suffering from fatigue, sleep deprivation or other conditions which he knew or should have known would cause him to be unfit to operate a motor vehicle.” Complaint at ¶ 10(g). Plaintiffs Angela Husted and Jon Husted (her son) brought claims against Dombkowski to recover for damages they allegedly incurred as a result of the motor vehicle accident. Jon Husted (the husband of Angela Husted) brought a claim against Dombkowski for loss of consortium.

The Plaintiffs filed this Motion to Amend Complaint and Brief in Support seeking to pursue punitive damages based upon facts adduced during discovery. Defendant filed a Brief in Opposition to the Motion. Oral Argument was heard on April 28, 2022, at which time all parties were represented by counsel.

**II. STANDARD OF REVIEW**

A motion to amend a pleading is addressed to the sound discretion of the trial court. In exercising its discretion, a trial court should liberally allow amendments so as to permit cases to be decided on the merits. However, the discretion is not unfettered; an amendment should not be permitted where it will present an entirely new cause of action or unfairly surprise or

<sup>1</sup> Plaintiffs Angela Husted and Jon Husted, husband and wife, initiated their suit on July 23, 2019 at Erie County Docket No. 11966-2019. The suit brought by Jon Husted, their adult son, was filed at Erie County Docket No. 12106-2019 on August 6, 2019. By agreement of all parties, the two cases were consolidated on January 28, 2020. A single Complaint raising all of the Plaintiffs’ claims was filed on February 11, 2020.



prejudice the opposing party. *See Sejjal v. Corson, Mitchell, Tomhave & McKinley, M.D.'S., Inc.*, 665 A.2d 1198 (Pa. Super. 1995).

### III. DISCUSSION

Pennsylvania Rule of Civil Procedure 1033(a) permits amendments to the pleadings at any time, even if the amendment gives rise to a new cause of action or defense. However, a proposed amendment may be denied if would unfairly prejudice the opposing party or create a new cause of action after the expiration of the statute of limitations.

A new cause of action does not exist if plaintiff's amendment merely adds to or amplifies the original complaint or if the original complaint states a cause of action showing that the plaintiff has a legal right to recover what is claimed in the subsequent complaint. A new cause of action does arise, however, if the amendment proposes a different theory or a different kind of negligence than the one previously raised or if the operative facts supporting the claim are changed.

*Daley v. John Wanamaker, Inc.*, 464 A.2d 355, 361 (Pa. Super. 1983)(citations omitted).

In this case, Plaintiffs are seeking to add a demand for punitive damages based upon testimony given by Defendant Dombkowski at his deposition. In the case of *Daley v. John Wanamaker, Inc.*, *supra*, the plaintiff in an action for trespass, assault and battery, defamation, and false imprisonment moved to amend her complaint to add a claim for punitive damages. Her request was made shortly before trial and more than one year after the statute of limitations had expired. The court granted the motion, noting that the demand for punitive damages was incidental to the underlying claim and therefore did not seek to add a new claim after the statute of limitations had run.

A similar situation is presented here. Plaintiffs' Complaint alleges that Defendant negligently operated his vehicle in several ways, including operating it when he knew he was sleep-deprived and ultimately falling asleep at the wheel. Therefore, the Complaint did assert facts that the Defendant knew (or should have known) that the fatigue he was experiencing that day would cause him to fall asleep and thus render him "unfit to operate a motor vehicle." Complaint at ¶ 10(g).

At his deposition, Defendant Dombkowski testified that he had been out late the night before the accident, and he had only slept for two to four hours before attending a day-long high school athletic event. *See* Plaintiffs' Mot. to Amend Cmplt., Ex. A, Depo. of Joseph J. Dombkowski, Nov. 10, 2021 at 10 & 13. Defendant further testified that he dosed off while driving and woke up when he collided with the other vehicle. *See id.* at 17 -18. Additionally, Dombkowski stated that, "Well, when I was driving on 38th, I started feeling tired. And I just — like I just dosed off while I was driving." *Id.* at 15.

It is within the Court's discretion to allow amendments to the pleadings. The Court does not find that the statute of limitations precludes this amendment. The proposed amendment does not add a new claim or a new theory; it simply seeks to recover for punitive damages based upon the actions alleged in the Complaint. A jury could infer that the Defendant's actions in choosing to drive when he knew that he was tired and sleep-deprived rose to the level of reckless indifference which would allow jurors to award punitive damages.

Additionally, nothing about the nature or the timing of the amendment prejudices the

Defendant or his ability to present a defense. Defendant has been aware of Plaintiffs' claims that Defendant was negligent for falling asleep while driving and deciding to operate a motor vehicle while he was tired. This Motion was made well in advance of trial, and Defendant will have sufficient notice and time to prepare.

### IV. CONCLUSION

For all the foregoing reasons, Plaintiffs' Motion to Amend Complaint is granted. An appropriate Order follows.

### ORDER

AND NOW to-wit, this 9th day of June 2022, upon consideration of Plaintiffs' Motion to Amend Complaint, and for the reasons set forth in the accompanying Opinion, it is hereby ORDERED, ADJUDGED, and DECREED that the Motion to Amend Complaint is GRANTED. Plaintiffs are permitted to amend their Complaint to seek recovery of punitive damages against Defendant.

**BY THE COURT:**

/s/ **David Ridge, Judge**

**CHANGE OF NAME NOTICE**  
In the Court of Common Pleas of Erie County, Pennsylvania 11314-22 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Beth Erin Whitford to Beth Erin Fox.  
The Court has fixed the 27th day of July, 2022 at 9:00 a.m. in Courtroom D, Room 214, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

June 24

**LEGAL NOTICE**

**ATTENTION: DENA RAE BUTLER**  
INVOLUNTARY TERMINATION OF PARENTAL RIGHTS IN THE MATTER OF THE ADOPTION OF MINOR MALE CHILD A.A.B. DOB: 10/19/2021  
27 IN ADOPTION, 2022  
If you could be the parent of the above-mentioned child, at the instance of Erie County Office of Children and Youth you, laying aside all business and excuses whatsoever, are hereby cited to be and appear before the Orphan's Court of Erie County, Pennsylvania, at the Erie County Court House, Senior Judge Shad Connelly, Courtroom D #214, City of Erie on July 14, 2022 at 9:30 a.m. and there show cause, if any you have, why your parental rights to the above child should not be terminated, in accordance with a Petition and Order of Court filed by the Erie County Office of Children and Youth. A copy of these documents can be obtained by contacting the Erie County Office of Children and Youth at (814) 451-7740.

Your presence is required at the Hearing. If you do not appear at this Hearing, the Court may decide that you are not interested in retaining your rights to your children and your failure to appear may affect the Court's decision on whether to end your rights to your child. You

are warned that even if you fail to appear at the scheduled Hearing, the Hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have a right to be represented at the Hearing by a lawyer. You should take this paper 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 to find out where you can get legal help.  
Family/Orphan's Court Administrator  
Room 204 - 205  
Erie County Court House  
Erie, Pennsylvania 16501  
(814) 451-6251

**NOTICE REQUIRED BY ACT 101 OF 2010: 23 Pa. C.S. §§2731-2742.**  
This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding. If you are interested in learning more about this option for a voluntary agreement, contact the Office of Children and Youth at (814) 451-6688, or contact your adoption attorney, if you have one.

June 24

**LEGAL NOTICE**

**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW**

**NO.: 2021-11472**  
**MIDFIRST BANK, Plaintiff vs.**  
**Susan Hayes, as Possible Successor Trustee of The Patricia Azalia Polk Living Trust; Unknown Successor Trustee of The Patricia Azalia Polk Living Trust; Carla Hayes, as Possible Successor Trustee of The Patricia Azalia Polk Living Trust; Kermit Johnson, as Possible Successor Trustee of The Patricia Azalia Polk**

**Living Trust; Robert Pruitt, Jr., as Possible Successor Trustee of The Patricia Azalia Polk Living Trust; Jonathan Pruitt, as Possible Successor Trustee of The Patricia Azalia Polk Living Trust; Carl Pruitt, as Possible Successor Trustee of The Patricia Azalia Polk Living Trust; Ronald Pruitt, as Possible Successor Trustee of The Patricia Azalia Polk Living Trust, Defendants**  
**TO: Unknown Successor Trustee of The Patricia Azalia Polk Living Trust**  
You are hereby notified that Plaintiff, MidFirst Bank, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Erie County, Pennsylvania, docketed to No. 2021-11472, seeking to foreclose the mortgage secured by the real estate located at 4134 Fargo Street, Erie, PA 16510.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, 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 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**LAWYER REFERRAL SERVICE**  
Lawyer Referral & Information Service

P.O. Box 1792  
Erie, PA 16507  
(814) 459-4411

June 24

**LEGAL NOTICE**

**In the Court of Common Pleas of Erie County, Pennsylvania  
No. 10500-22**  
**In Re: Pennsylvania Housing Finance Agency, Plaintiff vs. Linda Stewart, Loretta Fiore, Ramona Pogson, Sally Laban, Lorraine Malinowski, Ted Malinowski, all in their capacity as Heirs of Janice C. Miller and Unknown Heirs, successors, assigns and all persons, firms or associations claiming right, title or interest from or under Janice C. Miller, Defendant Attorney for Plaintiff: Lois M. Vitti, Esquire, Vitti Law Group, Inc., 663 Fifth Street, Oakmont, PA 15139. (412) 281-1725.**

**COMPLAINT IN  
MORTGAGE FORECLOSURE  
CASE NO. 10500-22**  
You have been named as Defendants in a civil action instituted by Pennsylvania Housing Finance Agency against you in this Court.

This action has been instituted to foreclose on a Mortgage dated October 29, 2001, and recorded in the Recorder's Office of Erie County in Mortgage Book, Volume 821, Page 0429, on October 30, 2001.  
You are hereby notified to plead to the above referenced Complaint within twenty (20) days from the date of publication of this Notice or a judgment will be entered against you.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and judgment may be entered against you without further notice for the 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH**

**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.**

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June 24

**LEGAL NOTICE**

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PA/ Case No. 11103-2022.** A hearing for Involuntary Transfer of Vehicle Ownership of a: 1970 GMC Truck, VIN# CS303K1Z70067. A hearing will be held on July 6, 2022 at 11:00 AM in Courtroom D#214, of the Erie County Courthouse, 140 West 6th Street, Erie, PA 16501.

June 24

## Erie County Bar Association

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ECBA Members:  
\$100/hour (minimum 1 hour)  
M-F, 8:30 a.m. - 5:00 p.m.

**SHERIFF SALES**

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**JULY 15, 2022**

**AT 10 A.M.**

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

Chris Campanelli  
Sheriff of Erie County

June 24 and July 1, 8

**SALE NO. 1**

**Ex. #10560 of 2022**

**MARQUETTE SAVINGS BANK, Plaintiff**

**v.**

**VALERIE ENGELLEITER, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed at No. 10327-2022, Marquette Savings Bank vs. Valerie Engelleiter, owner of property situate in the City of Erie, Erie County, Pennsylvania being: 132 Moorehead Street, Erie PA 16508.

42 x 133.87 IRR 0.1524 acres

Assessment Map Number:

(18) 5090-144

Assessed Value Figure: \$57,650.00

Improvement Thereon: Residence  
Eugene C. Sundberg, Jr., Esq.  
Marsh Schaaf, LLP  
300 State Street, Suite 300  
Erie, Pennsylvania 16507  
(814) 456-5301

June 24 and July 1, 8

**SALE NO. 2**

**Ex. #12657 of 2021**

**PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff**

**v.**

**GERARD HOFFMAN AND MARY ANN TATARA, KNOWN HEIRS OF MARGARET A. HOFFMAN, DECEASED AND THE UNKNOWN HEIRS OF MARGARET A. HOFFMAN, DECEASED, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution No. 12657-21, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. GERARD HOFFMAN AND MARY ANN TATARA, KNOWN HEIRS OF MARGARET A. HOFFMAN, DECEASED AND THE UNKNOWN HEIRS OF MARGARET A. HOFFMAN, DECEASED, Defendants  
Real Estate: 1541 WEST 43RD STREET, ERIE, PA 16509  
Municipality: Sixth Ward City of Erie  
Erie County, Pennsylvania  
Dimensions: 59.5 x 139.95  
Deed Book 1443, page 1614  
Tax I.D. (19) 6169-109  
Assessment: \$28,500 (Land)  
\$67,710 (Bldg)

Improvement thereon: a residential dwelling house as identified above  
Leon P. Haller, Esquire  
Purcell, Krug & Haller  
1719 North Front Street  
Harrisburg, PA 17104  
(717) 234-4178

June 24 and July 1, 8

**SALE NO. 3**

**Ex. #12514 of 2021**

**PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff**

**v.**

**TROY D. MIKLOVIC AND JEANETTE L. MIKLOVIC A/K/A JEANETTE LYNNE MIKLOVIC, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution No. 2021-12514, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs. TROY D. MIKLOVIC AND JEANETTE L. MIKLOVIC A/K/A JEANETTE LYNNE MIKLOVIC, Defendants  
Real Estate: 9439 WATTSBURG ROAD, ERIE, PA 16509  
Municipality: TOWNSHIP OF GREENE  
Erie County, Pennsylvania  
Dimensions: 1.5 AC  
Deed Book/Inst#: 2012-022028  
Tax I.D. (25) 7-23-36  
Assessment: \$37,800 (Land)  
\$95,260 (Bldg)  
Improvement thereon: a residential dwelling house as identified above  
Leon P. Haller, Esquire  
Purcell, Krug & Haller  
1719 North Front Street  
Harrisburg, PA 17104  
(717) 234-4178

June 24 and July 1, 8

**SALE NO. 5**

**Ex. #13087 of 2015**

**U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust, Plaintiff**

**v.**

**Charles R. Caskey, Deceased; Christine A. Caskey, Defendants**

**DESCRIPTION**

PROPERTY OF: Charles R. Caskey, deceased and Christine A. Caskey  
EXECUTION NO: 13087-15  
JUDGMENT AMT: \$127,030.03  
ALL the right, title, interest and claim of: Charles R. Caskey, deceased, and Christine A. Caskey  
Of in and to:  
ADDRESS: 2939 Zimmerman Road, Erie, PA 16510  
MUNICIPALITY: City of Erie  
All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania  
Tax ID: 18051022010300  
Commonly known as 2939 Zimmerman Road, Erie PA 16510  
PARKER McCAY P.A.  
By: Patrick J. Wesner, Esquire  
Attorney ID # 203145

9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, NJ 08054-1539  
(856) 810-5815

June 24 and July 1, 8

**SALE NO. 6**

**Ex. #10826 of 2021**

**COMMONWEALTH OF PENNSYLVANIA by the COMMONWEALTH FINANCING AUTHORITY, 400 North Street, Fourth Floor Harrisburg, PA 17120, Plaintiff**

**v.**

**GREATER ERIE INDUSTRIAL DEVELOPMENT CORPORATION, 5240 Knowledge Parkway, Erie, PA 16510, Defendant**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10826-2021, Commonwealth of Pennsylvania by the Commonwealth Financing Authority vs. Greater Erie Industrial Development Corporation, owner of property situated in the Township of Elk Creek, Erie County, Pennsylvania being:

**1.** 9330 ROUTE 18 LOT A & C 34.84 AC | MB 2002-92 - 9330 Route 18, Cranesville, PA 16410  
a. Erie County Tax Index Number (13) 1-12-7 - 34.84 acres  
b. Assessed Value - \$168,230.00  
c. Improvement Thereon: Residential Property  
**2.** 9330 ROUTE 18 31.82 AC - 9330 Route 18, Cranesville, PA 16410  
a. Erie County Tax Index Number (13) 1-12-7 - 31.82 acres  
b. Assessed Value - \$36,600.00  
c. Improvement Thereon: Residential Property  
**3.** 9262 ROUTE 18 27.90 AC - 9262 Route 18, Cranesville, Pennsylvania 16410  
a. Erie County Tax Index Number (13) 1-12-6 - 27.9 acres  
b. Assessed Value - \$71,600.00  
c. Improvement Thereon: Garage  
**4.** ROUTE 18 34.40 AC - 9162 Route 18, Cranesville, Pennsylvania 16410  
a. Erie County Tax Index Number (13) 1-13-3 - 34.4 acres  
b. Assessed Value: \$39,600.00  
c. Improvement Thereon: None  
**5.** ROUTE 18 14.637 AC NET -

9196 Route 18, Cranesville, PA 16410  
a. Erie County Tax Index Number (13) 1-12-6.01 - 14.637 acres  
b. Assessed Value: \$46,500.00  
c. Improvement Thereon: None  
**6.** 9170 ROUTE 1814.30 AC - 9170 Route 18, Cranesville, PA 16410  
a. Erie County Tax Index Number (13) 1-12-5 -14.30 acres  
b. Assessed Value: \$113,800.00  
c. Improvement Thereon: Residential Dwelling  
Sean Christopher Campbell  
Supreme Court No. 321246  
Governor's Office of General Counsel  
Commonwealth Financing Authority  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225  
(717) 720-1345  
seancampbe@pa.gov

June 24 and July 1, 8

**SALE NO. 7**

**Ex. #12876 of 2017**

**Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2007-4, Asset-Backed Certificates, Series 2007-4, Plaintiff**

**v.**

**Michelle M. Prozan and Troy C. Prozan, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 12876-17, Wells Fargo Bank, National Association as Trustee for Option One Mortgage Loan Trust 2007-4, Asset-Backed Certificates, Series 2007-4 v. Michelle M. Prozan and Troy C. Prozan, owner(s) of property situated in Township of Millcreek, Erie County, Pennsylvania being 2862 West 33rd Street, Erie, PA 16506  
2862 W 33 ST 60 X 140  
Assessment Map number: 33072331004200  
Assessed Value figure: \$114,200  
Improvement thereon: N/A  
STERN & EISENBERG, PC  
ANDREW J. MARLEY, ESQUIRE  
1581 MAIN STREET, SUITE 200  
THE SHOPS AT VALLEY SQUARE  
WARRINGTON, PA 18976  
(215) 572-8111

June 24 and July 1, 8

**SALE NO. 8**

**Ex. #12746 of 2019**

**Lakeview Loan Servicing, LLC, Plaintiff**

**v.**

**Keith C. Struchen and Diedra A. Struchen, Defendants**

**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 2019-12746, Lakeview Loan Servicing, LLC vs. Keith C. Struchen and Diedra A. Struchen, owner(s) of property situated in the Borough of Lake City, Erie County, Pennsylvania being 10077 Eagle Street, Lake City, PA 16423  
Single Family 110 X 183  
Assessment Map number: 39014041001201  
Assessed Value figure: \$74,800  
Improvement thereon: Residential Single Dwelling  
Stern & Eisenberg, P.C  
Andrew J. Marley, Esquire  
1581 Main Street, Suite 200  
Warrington, PA 18976

June 24 and July 1, 8

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## AUDIT LIST NOTICE BY AUBREA HAGERTY-HAYNES

Clerk of Records

Register of Wills and Ex-Officio Clerk of  
the Orphans' Court Division, of the

**Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, June 8, 2022** and confirmed Nisi.

**July 20, 2022** is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

### 2022 ESTATE

162 June E. Laird .....

### ACCOUNTANT

Susanne C. Wolper .....  
*Executrix*

### ATTORNEY

David J. Rhodes, Esq.

AUBREA HAGERTY-HAYNES

Clerk of Records  
Register of Wills &  
Orphans' Court Division

June 17, 24



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Certified Public Accountants and Business Advisors

[www.maloneyreedscarpittiandco.com](http://www.maloneyreedscarpittiandco.com)

Joseph P. Maloney, CPA, CFE  
Rick L. Clayton, CPA • Christopher A. Elwell, CPA • Ryan Garofalo, CPA

Confidential inquiries by phone or email to [mrsinfo@mrs-co.com](mailto:mrsinfo@mrs-co.com).

**ERIE COUNTY LEGAL JOURNAL**

ORPHANS' COURT

LEGAL NOTICE

ORPHANS' COURT

**ESTATE NOTICES**

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

**FIRST PUBLICATION**

**BYERS-PERSON, SHARON L., a/k/a SHARON PERSON, deceased**

Late of Lawrence Park, PA  
*Executor:* Jeffery H. Hollenbeck  
*Attorney:* Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**DUDZINSKI, WILLIAM, deceased**

Late of Erie, PA  
*Executrix:* Dawn Sauter, 86 Waterfront Drive, Pittsburgh, PA 15222  
*Attorney:* None

**GABUTTI, GARY R., a/k/a GARY GABUTTI, deceased**

Late of the Borough of Lake City, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Judith A. Gabutti, 9579 Allegheny Avenue, Lake City, PA 16423  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**HAMMERMAN, WILLIAM J., SR., a/k/a WILLIAM J. HAMMERMAN, deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Co-administrator:* Beth A. Hammerman, 3708 Oakwood Street, Erie, PA 16508  
*Attorney:* Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417  
*Co-administrator:* William J. Hammerman, Jr., 1420 West 36th Street, Erie, PA 16508  
*Attorney:* Gregory L. Heidt, Esq., 502 Parade Street, Erie, PA 16507

**KRAMER, JOSEPH C., deceased**

Late of Millcreek Township, Erie County, PA  
*Executor:* Roger L. Kramer  
*Attorney:* Norman A. Stark, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**LEWIS, ELLA B., deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* David A. Lewis, 4128 Wayne Street, Erie, PA 16504  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**PALMER, DAVID G., SR., a/k/a DAVID GEORGE PALMER, SR., a/k/a DAVID PALMER, SR., a/k/a DAVID GEORGE PALMER, a/k/a DAVID G. PALMER, a/k/a DAVID PALMER, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Samantha A. Brown, c/o 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415  
*Attorney:* Alan Natalie, Esquire, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415

**PALO, JACK R., a/k/a JACOB R. PALO, a/k/a JACK RAY PALO, a/k/a JACOB RAYMOND PALO, a/k/a JACK RAYMOND PALO, a/k/a JACOB PALO, deceased**

Late of West Springfield, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* David Palo, c/o 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415  
*Attorney:* Alan Natalie, Esquire, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415

**SAMPSON, CHARLES, deceased**

Late of the Borough of Union City, County of Erie, Pennsylvania  
*Executrix:* Janet Sampson, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

**SHUFRAN, ANDY, deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Andrew Shufan, 6015 Estate Court, Erie, PA 16509  
*Attorney:* John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**SMITH, MARGARET A., a/k/a MARGARET AGNES SMITH, a/k/a MARGE SMITH, deceased**

Late of Greene Township, Erie County, PA  
*Co-executrices:* Mary Beth Pacolay and Lisa Marie Smith  
*Attorney:* Steven E. George, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**WAGNER, DONALD E., a/k/a  
DONALD EDSON WAGNER,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Karen Jubé Wagner, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**WEST, HARRY J.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Cynthia J. Bogniak, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**WRIGHT, JODY LYNN, a/k/a  
JODY L. WRIGHT, a/k/a  
JODY WRIGHT,  
deceased**

Late of the Township of Springfield, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Scott Oliveria, 5550 Pony Drive, West Springfield, PA 16443  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SECOND PUBLICATION**

**ADIUTORI, FRANK  
CHARLES, SR., a/k/a  
FRANK CHARLES ADIUTORI,  
a/k/a FRANK ADIUTORI, a/k/a  
FRANK C. ADIUTORI, SR., a/k/a  
FRANK C. ADIUTORI,  
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Frank C. Adiutori, Jr., c/o 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415  
*Attorney:* Alan Natalie, Esquire, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415

**BISH, PAUL K., a/k/a  
PAUL KENNETH BISH, a/k/a  
PAUL BISH,  
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* John C. Brydon, c/o 337 West 10th Street, Erie, PA 16502  
*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

**BLENNER, EDWARD JOSEPH,  
a/k/a EDWARD J. BLENNER,  
deceased**

Late of the Township of Washington, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Stephen Staruch, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**BOWER, TAMMY MARIE,  
a/k/a TAMMY M. BOWER, a/k/a  
TAMMY BOWER,  
deceased**

Late of Washington Township, County of Erie, PA  
*Executor:* Anthony R. Kestle, c/o Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507  
*Attorney:* Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

**CAHOON, VIVIENNE R., a/k/a  
VIVIENNE CAHOON, a/k/a  
VIVIENNE ROSE CAHOON,  
deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Deborah A. Tonkin, 1404 Pasadena Drive, Erie, PA 16505  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**COBB, JANE MARIE, a/k/a  
JANE M. COBB,  
deceased**

Late of the Township of Wayne, County of Erie, Pennsylvania  
*Executrix:* Jennifer Britton, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**DiNICOLA, PHILIP, a/k/a  
PHILIP FRANCIS DiNICOLA,  
a/k/a PHILIP DiNICOLA,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* David E. Briggs, 2022 Enfield Lane, Erie, PA 16509  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**FUNK, VELMA, W.,  
deceased**

Late of the City of Corry, County of Erie, Pennsylvania  
*Co-executors:* Wanda L. Johnson and John E. Funk, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**GADUSKI, AUDREY E.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Karen L. Ferrara, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GOLLMER, RUTH VIRGINIA,  
a/k/a RUTH V. GOLLMER, a/k/a  
RUTH GOLLMER,  
deceased**

Late of Elk Creek Township, County of Erie and Commonwealth of Pennsylvania  
*Testator:* Michael L. Gollmer, c/o 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415  
*Attorney:* Alan Natalie, Esquire, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415

**GUTOWSKI, CYNTHIA J., a/k/a  
CYNTHIA JEAN GUTOWSKI,  
a/k/a CINDY GUTOWSKI,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Deanna Marie Kacar, 2323 E. Grandview Blvd., Erie, PA 16510  
*Attorney:* None

**HOGAN, PATRICK JOSEPH,  
a/k/a PATRICK J. HOGAN,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Carrie C. Redden, c/o 502 Parade Street, Erie, PA 16507  
*Attorney:* Gregory L. Heidt, Esquire, 502 Parade Street, Erie, PA 16507

**HOLTON, RICHARD P., a/k/a  
RICHARD PAUL HOLTON,  
deceased**

Late of Wayne Township, Erie County, Pennsylvania  
*Executrix:* Janice Marie Baker, 14299 Simmons Road, Corry, PA 16407  
*Attorney:* None

**HULINGS, MARK VINCENT,  
a/k/a MARK V. HULINGS, a/k/a  
MARK HULINGS,  
deceased**

Late of the City of Corry, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Robin J. Kieklak, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415  
*Attorney:* Alan Natalie, Esquire, 3952 Avonia Road, P.O. Box 9, Fairview, PA 16415

**KURCZEWSKI, LUCINDA L.,  
a/k/a LUCINDA KURCZEWSKI,  
deceased**

Late of the Boro of Wesleyville, County of Erie, Commonwealth of Pennsylvania  
*Executor:* James Thompson, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**McMASTER, KATE M., a/k/a  
KATE McMASTER,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Chris B. McMaster, 5449 Old Ranch Road, Park City, UT 84098  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**NIEDZIELSKI, MICHAEL JOHN,  
deceased**

Late of Harborcreek Township, Erie County  
*Administratrix:* Laura Roberson, Harborcreek Township, Erie County  
*Attorney:* John Mizner, Esquire, 311 West Sixth Street, Erie, PA 16507

**PRESOGNA, JOSEPHANTHONY,  
a/k/a JOSEPH A. PRESOGNA,  
a/k/a JOSEPH PRESOGNA, a/k/a  
JOE PRESOGNA,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Jennifer R. Herman, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**PROSS, DAVID PAUL, a/k/a  
DAVID P. PROSS,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Co-administrators:* John Pross and Donald Pross, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**VARGO, VINCENT JOHN, a/k/a  
VINCENT J. VARGO,  
deceased**

Late of Harborcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executrix:* Amy Beblo, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**ZACZYK, GEORGE WILLIAM, deceased**

Late of Millcreek Township, Erie County, PA  
*Executrix:* Christine O'Leary, 4040 Zimmerman Road, Erie, PA 16510  
*Attorney:* Stephen Hutzelman, Esquire, 333 State Street, Ste. 203, Erie, PA 16507

**TRUST NOTICES**

Notice is hereby given of the administration of the Trust set forth below. All persons having claims or demands against the decedent are requested to make known the same and all persons indebted to said decedent are required to make payment without delay to the trustees or attorneys named at below:

**STAGER, JoANN, STAGER FAMILY TRUST dated FEBRUARY 13, 2022, deceased**

Late of 3906 E. Lake Road, Lawrence Park Township, Erie County, Pennsylvania  
*Trustee:* Jill A. Caspar, Stager Family Trust, 453 Howe Avenue, Erie, PA 16511  
*Attorney:* Michael S. Butler, Esq., Heritage Elder Law, 318 South Main Street, Butler, PA 16001

**THIRD PUBLICATION**

**BACHER, MARY ANN, a/k/a MARY BACHER, a/k/a MARY A. BACHER, a/k/a MARYANN B. BACHER, a/k/a MARY ANN B. BACHER, deceased**

Late of the Borough of Girard, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Christopher E. Bacher, 459 Nagle Road, Erie, PA 16511  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**BROOKHOUSER, CAROLYN M., a/k/a CAROLYN BROOKHOUSER, a/k/a CAROLYN MARIE BROOKHOUSER, deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Jessica Brookhouser, c/o 337 West 10th Street, Erie, PA 16502  
*Attorneys:* THE FAMILY LAW GROUP, LLC, 337 West 10th Street, Erie, PA 16502

**CRAWFORD, JOAN P., deceased**

Late of the Township of Wayne, County of Erie, Pennsylvania  
*Executor:* Jason H. Crawford, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**GADLEY, PAULINE SUSAN, a/k/a PAULINE GADLEY, a/k/a PAULINE S. GADLEY, a/k/a S. PAULINE GADLEY, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Eric Gadley, 411 Rice Avenue, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**HADZEGA, DONNA M., deceased**

Late of North East Township, Erie County, PA  
*Executrix:* Kathleen Boyer, c/o 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Robert J. Jeffery, Esq., Knox McLaughlin Gornall & Sennett, P.C., 33 East Main Street, North East, Pennsylvania 16428

**HILL, NANCY ANN, a/k/a NANCY Y. GRAVES, a/k/a NANCY A. GRAVES, a/k/a NANCY ANN GRAVES HILL, a/k/a NANCY GRAVES, a/k/a NANCY A. YAMMA, deceased**

Late of Harborcreek Township, Erie County, Commonwealth of Pennsylvania  
*Administrator:* James G. Hill, 3450 Hannon Rd., Erie, PA 16510  
*Attorney:* None

**HOUGH, ROENA C., a/k/a ROENA HOUGH, deceased**

Late of the Borough of Girard, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Suzanne Vanicek, 808 Rice Avenue, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**JOYCE, JEAN, a/k/a JEAN M. JOYCE, a/k/a JEAN McDONALD, a/k/a JEAN McDONALD JOYCE, deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania  
*Administrator:* Philip G. Joyce, c/o Kenzie P. Ryback, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Kenzie P. Ryback, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KWEDER, JANE BERNICE, deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Rosan Radack, c/o Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501  
*Attorney:* Anthony Angelone, Esquire, NIETUPSKI ANGELONE, LLC, 818 State Street, Suite A, Erie, PA 16501

**LAMISON, ROGER L., a/k/a ROGER LAMISON, a/k/a ROGER LEE LAMISON, deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Russell McCausland, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LEVANDOWSKI, RICHARD D., a/k/a RICHARD DUANE LEVANDOWSKI, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Mackenzie Levandowski, c/o 100 State Street, Suite 700, Erie, PA 16507-1459  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**MANCINO, ELIZABETH LOUIS, a/k/a ELIZABETH L. MANCINO, deceased**

Late of Erie County, Pennsylvania  
*Co-executrices:* Denise M. Stanley, 112 Kenyon Rd., Pittsburgh, PA 15205 or Carol Lynn Bradley, 6609 Firman Rd., Erie, PA 16510  
*Attorney:* Susan M. Papa, Esquire, PAPA & PAPA, 439 Court Street, New Castle, PA 16101

**McCLURE, MOMOKO L., deceased**

Late of Harborcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executrix:* Lydia J. Maring, c/o 120 W. 10th St., Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**STEVENSON, JEAN M., a/k/a JEAN MARIE STEVENSON, deceased**

Late of the City of Erie, PA  
*Executor:* Robert C. Stevenson  
*Attorney:* Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**TATE, LUCIUS L., a/k/a LUCIUS TATE, deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executor:* Jonathan Tate, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Richard A. Vendetti, Esquire, 3820 Liberty Street, Erie, Pennsylvania 16509

**TRUST NOTICES**

Notice is hereby given of the administration of the Trust set forth below. All persons having claims or demands against the decedent are requested to make known the same and all persons indebted to said decedent are required to make payment without delay to the trustees or attorneys named at below:

**BARON, GERALDINE L., deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Trustee:* Steven J. Baron, c/o Kenzie P. Ryback, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Kenzie P. Ryback, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

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## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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Central Account Review Team  
PNC Private Bank  
249 Fifth Avenue  
Pittsburgh, PA 15222 .....[john.bartlett@pnc.com](mailto:john.bartlett@pnc.com)  
*Note: Attorney Bartlett is working remotely.*



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## WEEKLY WRAP-UP

June 24, 2022

**Supreme Court declines to resolve circuit split on exercise of personal jurisdiction in FLSA collective actions** - On June 6, 2022, the Supreme Court of the United States declined to hear petitions seeking review of whether federal courts may exercise personal jurisdiction over claims of nonresident plaintiffs who join Fair Labor Standards Act (FLSA) collective actions when their claims are not connected to the defendant's activities in the forum state. The petitions sought review of rulings on the issue by the First and Sixth Circuit Courts of Appeals in *Waters v. Day & Zimmermann NPS, Inc.* and *Canaday v. The Anthem Companies, Inc.*, respectively. As a result of the Supreme Court's decision declining to hear the petitions, there remains a circuit split as to whether the Court's 2017 ruling in *Bristol-Myers Squibb Co. v. Superior Court* applies to FLSA collective actions, and employers with nationwide footprints remain subject to uncertainty depending on jurisdiction. Read more ... <https://www.natlawreview.com/article/supreme-court-declines-to-resolve-circuit-split-exercise-personal-jurisdiction-flsa>

**Third Circuit finds U.S. government immune from anonymous FBI employees' investment pay claims** - The U.S. Court of Appeals for the Third Circuit has ruled that the United States government is immune from claims brought by a quartet of federal employees against it, for investment gains they said they would have received if the government made its retirement plan contributions on time during a 2018 shutdown. "When Congress does not pass a budget in time, the federal government shuts down. Smithsonian museums close, trash cans in national parks overflow, and lots of federal workers do not get their paychecks. All those things happened at the end of 2018, when the longest shutdown in history began. For more than a month, FBI employees, like other federal workers, were not paid. Nor did they get payments into their Thrift Savings Plan retirement accounts," Judge Stephanos Bibas said. Read more ... <https://pennrecord.com/stories/627589220-third-circuit-finds-u-s-government-immune-from-anonymous-fbi-employees-investment-pay-claims>

**Bus driver injured in Fern Bridge collapse plots litigation against Pittsburgh** - A Port Authority bus driver who was injured in the January 2022 Fern Hollow Bridge collapse claims the City of Pittsburgh knew the bridge was in poor condition. According to the plaintiffs' court filing, Daryl Luciani was driving a Port Authority bus across the Fern Hollow Bridge on Jan. 28, 2022. They claim that the bridge collapse caused his bus to fall 100 feet into the ravine below and that he suffered serious physical and mental injuries. Read more ... <https://pennrecord.com/stories/626682657-bus-driver-injured-in-fern-bridge-collapse-plots-litigation-against-pittsburgh>

**High Court to review DOJ authority to torpedo FCA Suits** - The U.S. Supreme Court on Tuesday agreed to hear a case examining if the federal government lost its authority to dismiss a whistleblower's False Claims Act suit by waiting too long to jump into it. The justices took up a petition for certiorari from Jesse Polansky, a former consultant for UnitedHealth unit Executive Resources Inc., now known as Optum, after the Third Circuit affirmed the dismissal of Polansky's FCA suit. Polansky has accused EHR or overbilling federal health care programs by certifying inpatient care for services that should have been done as cheaper outpatient.



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