

**IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT**

FRED PAUL POLESKY, JR. AND  
GABRIELLA POLESKY,

Petitioners

v.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
AND GENE SMITH,

Respondents

: No. 368 WAL 2021  
:  
:  
:  
: Petition for Allowance of Appeal  
: from the Order of the  
: Commonwealth Court

**ORDER**

**PER CURIAM**

**AND NOW**, this 17th day of May, 2022, the Petition for Allowance of Appeal is  
**DENIED.**

Justice Brobson did not participate in the consideration or decision of this matter.