

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH R. REISINGER,

Plaintiff

vs.

THE CITY OF WILKES-BARRE;
THOMAS LEIGHTON; FRANCES
KRATZ; GREGORY BARROUK;
MICHAEL KERMEC and THE
CRADLE COMPANY, II, INC.,

Defendants

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

(Honorable Richard P. Conaboy)

NO. 3:09-CV-00210

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH R. REISINGER,

Plaintiff

vs.

LUZERNE COUNTY, et al.,

Defendants

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

(Honorable Richard P. Conaboy)

NO. 3:09-CV-1554

ANSWER TO RULE TO SHOW CAUSE

The Defendants, CITY OF WILKES-BARRE, THOMAS LEIGHTON,
FRANCIS KRATZ and GREGORY BARROUK (the “City Defendants”) hereby
answer the Rule to Show Cause as follows:

Rule 42(a) of the Federal Rules of Civil Procedure provides that “[I]f actions before the court involve a common question of law or fact, the court may...consolidate the actions.” The purpose of consolidation is “to streamline and economize pre-trial proceedings so as to avoid duplication of effort, and to prevent conflicting outcomes in cases involving similar legal and factual issues.” In re: TMI litigation, 193 F.3d 613 (3 Cir. 1999) (“In re: Prudential Securities Inc. Ltd. Partnerships Litigation, 158 F.R.D. 562, 571 (S.D.N.Y. 1994)); Francesco v. White Tiger Transportation Co., Inc., 679 F.Supp. 456, 458 (M.D. Pa. 1988) (Conaboy, J.).

In Civil Action No. 3:09-CV-210, Plaintiff Reisinger claims he lost ownership of 26 rental properties in the City of Wilkes-Barre as the result of a conspiracy between the Wilkes-Barre City Defendants and Defendant Cadle Company II, Inc. (“Cadle Company”); in Civil Action No. 3:09-CV-1554, Plaintiff Reisinger claims that he lost ownership to the same 26 rental properties as a result of a conspiracy between Luzerne County and various Luzerne County officials and the Cadle Company. Thus, Plaintiff Reisinger has asserted claims for the same alleged harm – namely, loss of his 26 rental properties – in two separate lawsuits, claims which should be asserted against the Defendants in one lawsuit. Plaintiff should not be permitted to attempt to collect damages for the same alleged harm in two different lawsuits. Both cases involve the same ultimate issue – what caused

Plaintiff to lose his 26 rental properties. Consolidating these cases will prevent conflicting outcomes in these cases and prevent duplication of effort in discovery.

The question whether to consolidate actions is a matter for the discretion of the trial court. Bernardi v. City of Scranton, 101 F.R.D. 411, 413 (M.D. Pa. 1983) (Nealon, J.). It is submitted that a review of the claims asserted in Plaintiff Reisinger's Complaint in each of these two cases demonstrates for the foregoing reasons that the court should consolidate these two cases.

ROSENN, JENKINS & GREENWALD, LLP

By: /s/Donald H. Brobst
DONALD H. BROBST, ESQUIRE
15 South Franklin Street
Wilkes-Barre, PA 18711-0075
(570) 826-5655 – telephone
(570) 706-3409 – facsimile
dbrobst@rjglaw.com
PA17833

Attorneys for Defendants,
THE CITY OF WILKES-BARRE;
THOMAS LEIGHTON; FRANCIS
KRATZ and GREGORY BARROUK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH R. REISINGER,

Plaintiff

vs.

THE CITY OF WILKES-BARRE;
THOMAS LEIGHTON; FRANCES
KRATZ; GREGORY BARROUK;
MICHAEL KERMEC and THE
CRADLE COMPANY, II, INC.,

Defendants

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

(Honorable Richard P. Conaboy)

NO. 3:09-CV-00210

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH R. REISINGER,

Plaintiff

vs.

LUZERNE COUNTY, et al.,

Defendants

CIVIL ACTION – LAW

JURY TRIAL DEMANDED

(Honorable Richard P. Conaboy)

NO. 3:09-CV-1554

CERTIFICATE OF SERVICE

DONALD H. BROBST, ESQUIRE, hereby certifies that on the 27th day of August, 2009, he caused to be served a true and correct copy of the foregoing Answer to Rule to Show Cause, by electronic mail to the following:

Peter G. Loftus
Loftus Law Firm, P.C.
P.O. Box V
1207 North Abington Road
Waverly, PA 18471

Kevin T. Fogerty
Law Offices of Kevin T. Fogerty
Mill Run Office Center
1275 Glenlivet Drive, Suite 150
Allentown, PA 18106

John G. Dean, Esquire
Joseph J. Joyce, III, Esquire
Elliot, Greenleaf & Siedzikowski, P.C.
201 Penn Avenue
Suite 202
Scranton, PA 18503

And by First Class mail, to the following:

Tina Randazzo
21 North Landon Avenue
Kingston, PA 18704

Nova Savings Bank
President
1235 Westlakes Drive
Berwyn, PA 19312

Craig J. Scher
56 Covington Lane
Voorhees, NJ 08043

ROSENN, JENKINS & GREENWALD, LLP

BY: /s/Donald H. Brobst
DONALD H. BROBST, ESQUIRE