

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

JOSEPH R. REISINGER,	:	CIVIL ACTION – LAW
Plaintiff	:	
	:	JURY TRIAL DEMANDED
v.	:	
	:	
THE CITY OF WILKES BARRE;	:	
THOMAS LEIGHTON;	:	
FRANCES KRATZ;	:	(Judge Conaboy)
GREGORY BARROUK;	:	
MICHAEL KERMEC and	:	
THE CADLE COMPANY II, INC.	:	
Defendants	:	No. 3:09-CV-210

ORDER

NOW, this _____ day of _____, 2010, upon consideration of Plaintiff’s Motion to Request Amendment of Case Management Plan, it is hereby ORDERED and DECREED that the above Motion is GRANTED, whereby all the discovery related to the above is to be completed by the Plaintiff by July 31, 2010.

BY THE COURT:

J.

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

JOSEPH R. REISINGER,	:	CIVIL ACTION – LAW
Plaintiff,	:	
	:	JURY TRIAL DEMANDED
v.	:	
	:	
THE CITY OF WILKES BARRE;	:	
THOMAS LEIGHTON;	:	
FRANCES KRATZ;	:	(Judge Conaboy)
GREGORY BARROUK;	:	
MICHAEL KERMEC and	:	
THE CADLE COMPANY II, INC.	:	
Defendants	:	No. 3:09-CV-210

Motion to Request Amendment of Case Management Plan

1. The Plaintiff in the above case has this date terminated the Plaintiff’s attorney/client relationship with Atty. Peter Loftus, who had been providing legal representation to the Plaintiff in all proceedings related to the above case to date.

2. As context related to this case, the Plaintiff was deposed for a four hour period by the Defendants in the above case on Tuesday morning, March 9, 2010, with the Plaintiff’s deposition to be continued until Wednesday morning, March 10, 2010, for an additional four hour period.

3. At the conclusion of the Plaintiff's deposition on the above Tuesday morning, the Plaintiff spoke to Atty. Loftus by phone later that afternoon, related to various matters, and at that time, the Plaintiff advised Atty. Loftus that the Plaintiff believed that, after the completion of tax season, it would be very important for them to begin discovery efforts, on his behalf, initially with a request for the production of documents and written interrogatories to be submitted to each of the above various Defendants, before taking the deposition of each of the Defendants, and any other persons of interest that are identified at the completion of the above discovery.

4. As further context, prior to the above telephone conversation between the Plaintiff and Atty. Loftus, the attorney/client relationship between the Plaintiff and Atty. Loftus was that the Plaintiff, not being a trial attorney, was to take all direction from Atty. Loftus, for him, Atty. Loftus, to advise the Plaintiff from time to time for the Plaintiff to address matters assigned to him by Atty. Loftus related to the above, and in response to the above statement that the Plaintiff made to Atty. Loftus, Atty. Loftus indicated to the Plaintiff at that time that all of the above discovery by the Plaintiff has to be completed by the end of March, 2010, which fact

obviously the Plaintiff was not aware of, the Plaintiff assuming that Atty. Loftus had made ample provisions for discovery on behalf of the Plaintiff appropriate in this case.

5. At the conclusion of the above telephone conversation with Atty. Loftus, the Plaintiff downloaded a copy of the Case Management Plan effective in his above case, and the Court Order of February 9, 2010, in that regard, and it has now been determined that it is impossible for the Plaintiff to advance the causes of action and all of the claims in his Complaint filed in this case without having the above discovery, because otherwise, the merits of his case will be severely prejudiced, because the Plaintiff will not be able to have all of the evidence he needs to support all of the claims in his Complaint.

6. Therefore, after reviewing the current draft of the Case Management Plan, etc., the Plaintiff believes that absent securing a modification of the Case Management Plan in this case, to allow for all of the above discovery by the Plaintiff, the Plaintiff's causes of action and claims set forth in the Complaint filed in the above matter will be severely prejudiced.

7. Further, at no time, prior to this date, was the Plaintiff ever personally involved in the drafting of the Case Management Plan for this case, nor was it ever reviewed with the Plaintiff by Atty. Loftus, and the Plaintiff respectfully submits that there has been a fundamental misunderstanding between the Plaintiff and Atty. Loftus, pertaining to his responsibilities in providing representation to the Plaintiff in the above case, and that those miscommunications are the basis for the above circumstances to have occurred to date.

8. Because of all of the above, the Plaintiff believes that is to his best interest for him to proceed *pro se* in the above case, to eliminate the prospect of any miscommunications between him and counsel in the future, and therefore, as stated above, he has terminated the above attorney/client relationship with Atty. Loftus in this case this date, and also in another case that the Plaintiff is involved in federal court.

9. From a timing standpoint, as far as a potential amendment to the Case Management Plan in this case, the following are important factors to consider:

a. the Plaintiff is a tax attorney, and as a consequence, between the present date and April 15, 2010, he has a substantial amount of professional responsibility to clients in regard to various tax matters;

b. the Plaintiff had recently suffered from a number of serious health issues, in that he was substantially incapacitated for three and a half months in 2009, and in 2010 was substantially incapacitated during the month of January, and as a consequence, he is also now addressing a substantial backlog, from a scheduling perspective, of various engagements previously undertaken and delayed due to the above;

c. the Plaintiff is proceeding *pro se* and is not familiar with the Federal Rules of Civil Procedure, nor does he have any significant trial experience in his professional career to date; thereof, he will need more time than qualified attorneys in conducting all of the above discovery; and

d. the Plaintiff, pursuant to medical advice, has been placed on a restricted schedule, which further limits his ability to competently, effectively, and comprehensively prepare this case for trial.

10. As a consequence of all of the above, the Plaintiff is requesting a 120 day period of enlargement of time to conduct discovery as follows: (i) sixty (60) days to prepare and serve interrogatories and motions for

production of documents on each of the Defendants, to be served on each of the Defendants, and to review the responses thereto, and (ii) sixty (60) days to schedule and take depositions of the Defendants and any other potential witnesses.

WHEREFORE, because of all of the above reasons, the Plaintiff, Joseph R. Reisinger, is respectfully requesting that this Court grant him a 120 day enlargement of time, until July 31, 2010, for the Plaintiff to conduct the above discovery and to prepare the above case for trial.

Respectfully submitted,

/s/ Joseph R Reisinger
Joseph R. Reisinger
Plaintiff *pro se*