

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;	:	(Judge Conaboy)
FRANCES KRATZ;	:	
GREG BARROUK;	:	
MICHAEL KERMEC and	:	
THE CADLE COMPANY II, INC.	:	
	:	
Defendants.	:	No. 3:09-CV-210

**ANSWER FILED ON BEHALF OF DEFENDANTS' MICHAEL KERMEC
AND THE CADLE COMPANY II, INC. IN RESPONSE TO PLAINTIFF'S
MOTION TO REQUEST AMENDMENT OF CASE MANAGEMENT PLAN**

1. Denied. Defendants Michael Kermec and The Cadle Company II, Inc. (collectively "Cadle") have no knowledge or information as to whether or not Plaintiff, Joseph R. Reisinger ("Reisinger") fired his attorney, Peter Loftus, Esquire. If however Reisinger did in fact terminate Attorney Loftus, that decision should not constitute grounds for the relief sought in Plaintiff's Motion, particularly considering the number of previous extensions sought by Reisinger --through Attorney Loftus-- of the discovery deadlines in this case.

2. Admitted Reisinger was deposed for four hours, more or less, on Tuesday, March 9, 2010. It is denied Reisinger was deposed "for an additional four hour period" on Wednesday, March 10, 2010. To the contrary, Reisinger was deposed for about another

hour and a half or so, at which point non-party witnesses who had been subpoenaed appeared and were deposed for the balance of that morning.

3. Denied. Cadle has no idea what communications may have taken place between Reisinger and Attorney Loftus. However, Reisinger's suggestion that he told Attorney Loftus on March 10, 2010 that he (Reisinger) wanted "to begin discovery efforts," demonstrates a complete lack of contact with reality, given the prior Scheduling Orders entered in this case, including the three previous extensions granted to Reisinger (see docket entries attached hereto as Exhibit "A"). By way of further response, the most recent Case Management Order issued by this Court on February 9, 2010, made it clear Reisinger was precluded from further fact discovery, and that his expert reports were due by February 28, 2010 (a copy of that Order is attached as Exhibit "B" to this Answer).

4. Denied. While Cadle has no direct knowledge or information concerning the nature or status of the relationship between Reisinger and Attorney Loftus, Reisinger's suggestion that he has had no idea of the scheduling deadlines in this case, and all of the prior extensions his lawyer had requested, is simply not believable.

5. Denied, particularly to the extent Reisinger is suggesting he was unaware of the Case Management Plans/Orders entered in this litigation. By way of further response, it is denied Reisinger will ever have any evidence "to support all of the claims in his Complaint," since no such evidence exists, because the claims asserted in this case are completely meritless, like the ones asserted in a similar "civil rights" Complaint -- which has since been dismissed on Defendants' Rule 12(b)(6) Motions--, captioned as *Joseph R. Reisinger v. Luzerne County, Luzerne County Tax Claim Bureau, Mary Dysleski, Stephen A.*

Urban, Neil T. O'Donnell, James P. Blaum, The Cadle Company II, Inc., Daniel C. Cadle, Michael Kermec, Doug Harrah, Kevin T. Fogerty, Tina Randazzo, Nova Savings Bank and Craig J. Scher - Civil Action No. 09-1554 (M. D. Pa.)

6. Denied that Reisinger should be granted yet another modification to the Case Management Plan, particularly since any resulting prejudice is his own doing.

7. Denied. Reisinger's claim that he had no idea there were deadlines established and already extended in this case, is simply incredible. Further, Reisinger's willingness to disparage his lawyer to try to buy additional time speaks to his lack of credibility.

8. Denied that Reisinger's sudden decision to "proceed *pro se* in the above case" constitutes grounds for him to seek yet another extension of the various discovery deadlines in this litigation, particularly since those deadlines have already passed.

9. Denied there are any "factors" which would justify this Court again amending the original Case Management Order.

By way of further response, Reisinger's reliance on "tax season" is disingenuous, given that (i) he has had over a year since this lawsuit was filed to conduct discovery, and undertook none, (ii) one of Reisinger's principal claims in this litigation is that he supposedly lost all of his clients because of the alleged conduct of Defendants; further, Reisinger's alleged "incapacitation" for three and a half months in 2009 and 2010 has already been used to obtain previous extensions from this Court, and the fact that Reisinger has decided to "proceed *pro se*" is his own doing, and therefore cannot serve as grounds to grant him yet another extension of the previously extended discovery deadlines.

10. Denied there should be any "enlargement of time to conduct discovery," other than as may be consistent with this Court's latest Order amending the Case Management Plan, affording Defendants the opportunity to take discovery of individuals whose identities were revealed for the first time during Reisinger's recent deposition-- being people Reisinger had failed to disclose in his responses to Defendant City of Wilkes-Barre's written discovery requests propounded last year--, and the completion of Reisinger's deposition.

Further, Reisinger's request to now be granted permission to essentially start all over again with discovery in this case is beyond the pale, and demonstrates a complete lack of respect for the Orders previously entered by this Court, and for Defendants' right to have this matter brought to a reasonably timely conclusion.

WHEREFORE, Defendants, Michael Kermec and The Cadle Company II, Inc. respectfully request this Honorable Court deny Reisinger's latest Motion for Extension of Deadline; see Exhibit "C" attached hereto.

Respectfully submitted,

LAW OFFICES OF KEVIN T. FOGERTY

By: 

Kevin T. Fogerty, Esquire
Attorneys for Defendants, The Cadle Company
II, Inc. and Michael Kermec