

granting Plaintiff's Motion, extending to February 28, 2010 the deadline by which Plaintiff was to provide its expert reports, following which on March 24, 2010 Plaintiff filed a Motion for Amend/Correct Revised Case Management Plan, in response to which The Cadle Defendants filed an Answer in Opposition, in response to which on April 16, 2010 this Court entered an Amended Case Management Order, granting Plaintiff's Motion and giving him until May 30, 2010 to provide his expert reports, with Plaintiff now seeking what would be the fourth extension of his expert report deadline, there being no cause or reason therefore, other than Plaintiff's lack of diligence from the inception of this litigation.

2. It is admitted that under this Court's April 16, 2010 Amended Case Management Order, "discovery [is] due by June 30, 2010," meaning not merely Plaintiff's discovery is scheduled to end on that date, but also Defendants' discovery.

3. Admitted only that Plaintiff's Complaint speaks for itself. It is denied Plaintiff has any right to relief, and in fact, Plaintiff's claims here fail as a matter of law, similar to the claims made by him in his other two cases filed before this Court, i.e. (i) *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.), and (ii) *Joseph R. Reisinger v. Luzerne County, Luzerne County Tax Claim Bureau, Mary Dysleski, Stephen A. Urban, Neil T. O'Donnell, James P. Blaum, Mark A. Ciavarella, Jr., The Cadle Company II, Inc., Daniel C. Cadle, Michael Kermec, Doug Harrah, Kevin T. Fogerty, Tina Randazzo, Nova Savings Bank and Craig J. Scher* - No. 3:10-CV-987 (M.D. Pa.), both of which were dismissed.

4. Denied that Plaintiff needs and/or does not already have the supposed “financial information” regarding the properties referred to in this case, and it is further denied Plaintiff has not had ample opportunity from the inception of this case to request the information referenced, yet he previously failed to do so.

5. Denied. It is specifically denied that whatever amount Cadle paid to NOVA Bank to purchase the “twenty-six Notes and twenty-nine Mortgages” [these are inaccurate numbers], since whatever was paid by Cadle is completely irrelevant to the issues raised in this case, and also not being reasonably calculated to lead to the discovery of admissible evidence.

6. Denied that Plaintiff “needs to receive a copy of each of the loan histories” related to the Notes and Mortgages referred to in Plaintiff’s Complaint, particularly since Cadle’s counsel has provided those loan histories to Plaintiff and his prior lawyers on at least three occasions during the course of state court litigation still pending in the Luzerne County Court of Common Pleas.

7. Admitted the Request for Production of Documents referred to by Plaintiff was served; it is specifically denied Plaintiff is entitled to the information sought, particularly since (i) a significant amount of the documents requested have already been provided in response to previous written discovery served by Plaintiff’s counsel, (ii) a number of the documents are completely irrelevant to any issues in this case, and not reasonably calculated to lead to the discovery of admissible evidence, and (iii) Plaintiff previously served 43 Requests for Production on all Defendants -- to which Cadle provided responses--, and Plaintiff has now served 41 more Requests for Production the total of

these Requests being well in excess of the maximum number of allowable document production requests (65) specified in the parties' collectively submitted *Case Management Plan, Section 6.500*, filed April 21, 2009, and not subsequently amended in that regard.

8-9. Denied there is any reason to again extend Plaintiff's expert-report deadline, especially given (a) the four previous extensions, and (b) the fact that the basis for this extension request is Plaintiff's lack of diligence, and in waiting until now to serve this discovery, less than thirty days before the date on which Plaintiff's expert reports are due.


10. Denied that Plaintiff's request to again extend the deadline for expert reports should be granted; to the contrary that Motion should be denied.

11. Admitted that counsel for the Cadle Defendants opposes this request by Plaintiff to again extend the discovery deadline.

WHEREFORE, Defendants, Michael Kermec and The Cadle Company II, Inc. respectfully request this Honorable Court deny Plaintiff's Motion for Enlargement of Time to Produce Expert Reports; a proposed form of Order is attached hereto as Exhibit "A."

Respectfully submitted,

LAW OFFICES OF KEVIN T. FOGERTY

By:  _____

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