

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
CIVIL ACTION - LAW**

<b>JOSEPH R. REISINGER,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>No. 3:09-CV-210</b>
	:	
<b>THE CITY OF WILKES-BARRE,</b>	:	
<b>THE CADLE COMPANY, ET AL</b>	:	
	:	
<b>Defendants.</b>	:	

**ANSWER FILED ON BEHALF OF DEFENDANTS, MICHAEL KERMEC AND THE CADLE COMPANY,  
II, INC., IN OPPOSITION TO PLAINTIFF JOSEPH R. REISINGER'S MOTION FOR ENLARGEMENT OF  
TIME REGARDING VARIOUS DEADLINES, FILED AUGUST 6, 2010**

1. Admitted the parties referred to as "the City Defendants" filed a Motion on July 23, 2010 for extension of time to complete discovery and to amend the Amended Case Management Schedule. It is further admitted Defendants, Michael Kermec and The Cadle Company II, Inc. ("the Cadle Defendants") do not oppose that Motion.

2. Denied. It is denied the City Defendants' Motion improperly characterize(s) any of the prior history of this case. In fact, Plaintiff is the one who is mischaracterizing past history

3. Denied. It is denied the City Defendants' proposed amendments to the Case Management Schedule "are unfair" or would "result in extreme prejudice toward the Plaintiff." To the contrary, those changes are appropriate given the protracted history of this litigation, particularly with respect to the numerous delays caused by the obstructionist tactics employed by Plaintiff prior to the unfortunate passing of his son in July, 2010.

4. Denied on information and belief, but this issue is for counsel for the City Defendants to address.

5. Denied as a complete, utter and irresponsible misrepresentation to this Court. The truth of the matter is that the Cadle Defendants (i) responded to both sets of Plaintiff's discovery requests, (ii) produced 446 documents over eight months ago to Plaintiff's counsel, and (iii) never heard any further objections or complaints from Plaintiff's counsel regarding any supposed inadequacies in their discovery responses. In addition, the Cadle Defendants responded with appropriate objections -- particularly because of the fact that Plaintiff plainly and far exceeded the permissible number of Interrogatories and document requests allowed under the original case management Plan, which was never amended in that respect.

6. Denied that Plaintiff has produced all documents requested, but Plaintiff's inadequacies in that regard are not the subject of Plaintiffs' Motion for Enlargement of Time.

By way of further response, it is denied the Cadle Defendants did not produce any "vital documents" supposedly requested by Plaintiff. In fact, Plaintiff has conveniently failed to identify with any specificity these supposed "vital documents."

7. Denied any of the Defendants have engaged in "inappropriate behavior," particularly relating to discovery. Indeed, it has been Plaintiff's behavior, in repeatedly refusing-- even before his son's unfortunate passing-- to comply with numerous prior discovery deadlines.

8. Denied. Plaintiff's complaint of "poor health," and an inability to work more than twenty-five hours per week, are belied by the quantity of paperwork he has churned out in connection with the multitude of meritless lawsuits he has filed in this Court; *see*, in addition to this case, *Reisinger v. The City of Wilkes-Barre et al* - Civil Action No. 10-01512 (M. D. Pa); *Reisinger v. Luzerne County et al* - Civil Action No. 10-00987; *Reisinger v. Markian Slobodian et*

*al.* - Civil Action No. 10-00334; *Reisinger v. Seneca Speciality Insurance Company* - Civil Action No. 07-01221, as well as all of the lawsuits initiated in the Luzerne County Court of Common Pleas, against not only the Cadle Defendants but also Luzerne County and its officials. By way of further response, Plaintiff has gone through over a half a dozen lawyers, and he himself is an attorney.

9. Denied. Plaintiff's complaint that he is a "sole practitioner," and that he therefore does not have "the same vast resources as Defendants' counsel does not apply to counsel for the Cadle Defendants, who also happens to have a small office. Moreover, Plaintiff's allegation concerning the supposed imbalance of resources to litigate this case is totally irrelevant, and does not explain away the multitude of prior continuances he has sought.

10. Denied. Plaintiff is representing himself because all of this other lawyers were either fired or quit, not because of anything done or not done by any of the Defendants. Further, Plaintiff's financial condition is entirely the result of his own mismanagement, and in particular, his failure and refusal to pay taxes, and to repay monies borrowed from various lenders, and it has nothing to do with the meritless claims he's asserted in this case.

11. Admitted.

12. Denied. To the extent Plaintiff is at a "disadvantage" it is his own doing, because of (i) having fired his prior lawyers, or doing things that caused those lawyers to quit, and (ii) the complete absence of any facts supporting the claims alleged by Plaintiff.

Further, the suggestion that Plaintiff "be granted twice the amount of time afforded to his opposing counsel" with respect to meeting discovery, filing and other obligations and deadlines is, to the knowledge of the Cadle Defendant's counsel,

unprecedented and absurd, particularly given the numerous extensions of time already afforded to Plaintiff.

13. Denied for reasons previously stated. By way of further response, it is false and disingenuous for Plaintiff to claim that Defendants have supposedly not produced “vital documents” -- which again, Plaintiff is unable to identify with any specificity, or even by general description -- particularly considering the discovery responses previously provided by counsel for the Cadle Defendants, as well as by counsel for the City Defendants

14. No response required. However, Plaintiff could have but did not promptly file any “Motions to Compel” after the Cadle Defendants’ second set of discovery responses were served on or about June 8, 2010.

15. No response required.

16. Denied that any alternative “Amended Case Management Plan” would be appropriate, or fair to the Defendants, who have now been forced to litigate these meritless claims beyond the deadlines initially established --with Plaintiff’s agreement and that of his original counsel --, as a consequence of which the Amended Case Management Plan should be entered in strict conformity with the Motion filed by counsel for the City Defendants, and not the Plan sought by Reisinger.

By way of further response, the sad and tragic passing of Plaintiff’s son occurred well after this Court had on several prior occasions already extended the discovery and summary-judgment Motion deadlines, as a result of Plaintiff’s delays and refusal to cooperate in discovery.

17. Denied. The Case Management Plan amendments proposed by counsel for the City Defendants are fair, and they are consistent with this court's prior Orders entered in this case.


18. Admitted.

19. Denied. For the reasons previously stated in this Answer to Reisinger's Motion, that Motion should not be granted, and instead, this Court should adopt and enter an Order consistent with the Motion for Enlargement of Time filed by counsel for the City Defendants.

WHEREFORE, Defendants Michael Kermec and The Cadle Company, II, Inc. respectfully request this Honorable Court deny Plaintiff, Joseph R. Reisinger's Motion for Enlargement of Time to file a response, Motions to Compel Production of Documents and a Proposed Alternative Amended Case Management Plan in Opposition to the City Defendants' Motion be denied and dismissed.

Respectfully submitted,

LAW OFFICES OF KEVIN T. FOGERTY

By:  \_\_\_\_\_

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