

**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;	:	(Honorable Richard P. Conaboy)
GREGORY BARROUK;	:	
MICHAEL KERMEC and	:	
THE CADLE COMPANY II, INC.	:	
Defendants	:	No. 3:09-CV-210

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS DIRECTED TOWARD
CITY DEFENDANTS, TO ENLARGE THE TIME TO COMPLETE DISCOVERY AND
TO AMEND THE AMENDED CASE MANAGEMENT PLAN**

The Plaintiff, JOSEPH R. REISINGER, *pro se*, hereby moves this Honorable Court to enter an appropriate Order compelling the Defendants, The City of Wilkes-Barre, Thomas Leighton, Frances Kratz and Gregory Barrouk (the “City Defendants”) to produce the documents requested by the Plaintiff pursuant to Rule 37 of the Federal Rules of Civil Procedure, to enlarge the time to complete discovery, and to amend the other deadlines in the Amended Case Management Plan accordingly, and in support thereof avers as follows:

1. The Plaintiff filed a Complaint on February 2, 2009 alleging various constitutional rights violations and also various tortious acts committed by the Defendants.
2. The Plaintiff, through his then counsel Attorney Peter G. Loftus served on all the Defendants a Request for Production of Documents, a copy of those requests is attached hereto as Exhibit A, Loftus Request, and is incorporated herein.

3. The City Defendants failed to comply in a meaningful way with the Loftus Request and failed to produce all of the documents that were requested by the Plaintiff's prior legal counsel.

4. The Plaintiff then terminated his representation by Attorney Loftus for various reasons, and he then began to represent himself, *pro se*, in this case, and Attorney Loftus turned over to the Plaintiff all of the documents that had been produced by the City Defendants.

5. Due to the fact that the Plaintiff still did not have the necessary documents needed to adequately prepare for trial, the Plaintiff, *pro se*, then filed a Request for Production of Documents to the City Defendants requesting documents, some of which had been previously requested by Attorney Loftus, but not produced, that are necessary for the Plaintiff to establish his case, and a copy of that Request is attached as Exhibit B, Request #2, and is incorporated herein.

6. The City Defendants responded to Request #2 by reproducing for the Plaintiff copies of the documents that they had provided in response to the Loftus Request, which while very accommodating, still failed to provide to Plaintiff the necessary and relevant information that he needs to develop his case.

7. Then on June 3, 2010 the City Defendants formally responded to Request #2 by claiming that the requests were duplicative of the Loftus Request and that it was overly broad, unduly burdensome, and sought information and documents which are privileged and/or irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. The City Defendants indicated that they will not provide any further documents to the Plaintiff absent an order from this Honorable Court.

9. The Plaintiff has taken an inventory of the documents he has in his possession that he received from the City Defendants and has concluded that their response was largely incomplete.

10. The Plaintiff has attached a copy of Exhibit C List of Documents Produced that lists each of the requests from the Loftus Request properly allocated between the City Defendants and Cadle Defendants, along with whether the Plaintiff received the requested information or not.

11. Exhibit C demonstrates that what the Plaintiff has actually received from the City is largely irrelevant and incomplete, and therefore the Plaintiff needs to receive the information that he requested in Request #2 as soon as possible in order to fully develop his case.

12. The documents sought by Request #2 contain information that is highly relevant and is absolutely essential to the Plaintiff's preparation for trial and is within the knowledge and control of the City Defendants.

13. Most importantly, the Plaintiff is seeking evidence to establish that a conspiracy exists between the City Defendants and the Cadle Defendants to defraud the Plaintiff of property and money by using deceptive and unlawful tactics.

14. The Plaintiff has the burden of proving that this conspiracy exists, but cannot prove it without receiving these documents from the City Defendants.

15. The Plaintiff has attempted to get the City Defendants to comply with these requests without court action being needed, but the City Defendants have, thus far, refused to produce these documents to the Plaintiff, and have made clear that they will not produce any more documents to the Plaintiff without an order from this Honorable Court.

16. Discovery for this case was scheduled to end on June 30, 2010 and Plaintiff still has not received this information from the Defendants, which is absolutely vital to the Plaintiff's case, and therefore, the Plaintiff needs this information as soon as possible.

17. The Plaintiff is unable to conduct depositions of the City Defendants until he receives this information, and therefore, needs this Honorable Court to compel the production of the documents requested in Request #2 as soon as possible so that the Plaintiff can fully prepare to depose the City Defendants.

18. Also, the Plaintiff is unable to fully and accurately calculate his damages and prepare his expert reports without first receiving these documents first, and needs this Honorable Court to compel production of them as soon as possible.

19. Once the Plaintiff receives these documents from all the Defendants, he then respectfully requests a period of sixty (60) days from that date to review the documents and to prepare his expert reports based upon those documents.

20. The Plaintiff will then, upon the creation of the expert reports, give a copy of the expert reports to all Defendants, who will then have sixty (60) days to review them and prepare their own expert reports in response.

21. During the above sixty (60) days, the Plaintiff will be conducting his depositions of the Defendants.

22. Also, the Plaintiff respectfully requests that all other dates in the Amended Case Management Plan be adjusted accordingly based on the above as this case proceeds to trial.

23. Counsel for the City Defendants and counsel for the Cadle Defendants do not concur with this Motion.

WHEREFORE, the Plaintiff, JOSEPH R. REISINGER, respectfully requests that this Motion To Compel Production Of Documents Directed Toward City Defendants, To Enlarge The Time To Complete Discovery and To Amend The Amended Case Management Plan accordingly be granted and that this Honorable Court enter an Order pursuant to Rule 37 of the Federal Rules of Civil Procedure, compelling the City Defendants to provide to the Plaintiff all of the documents that the Plaintiff has requested in Request #2 within twenty (20) days of this date, or suffer such sanctions as this Honorable Court might impose, and to also enlarge the time to complete discovery and to amend the Amended Case Management Plan accordingly.

Respectfully submitted by,

/s/Joseph R. Reisinger
Joseph R. Reisinger
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v.	:	
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GREGORY BARROUK;	:	
MICHAEL KERMEC and	:	
THE CADLE COMPANY II, INC.	:	
Defendants	:	No. 3:09-CV-210

CERTIFICATE OF SERVICE

JOSEPH R. REISINGER hereby certifies that on the 16th day of August, 2010 he caused to be served a true and correct copy of the Motion to Compel Production of Documents Directed Toward the City Defendants, To Enlarge the Time to Complete Discovery and To Amend the Amended Case Management Plan by electronic mail to the following:

Donald H. Brobst, Esquire
Rosenn, Jenkins & Greenwald
15 S. Franklin St.
Wilkes-Barre, PA 18711
&
Kevin T. Fogerty, Esquire
Law Offices of Kevin T. Fogerty
Mill Run Office Center
1275 Glenlivet Drive, Suite 150
Allentown, PA 18106

Submitted by,
/s/Joseph R. Reisinger
Joseph R. Reisinger

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CERTIFICATE OF NON-CONCURRENCE

JOSEPH R. REISINGER hereby certifies that Donald H. Brobst, Esquire, counsel for Defendants the City of Wilkes-Barre, Thomas Leighton, Frances Kratz and Gregory Barrouk, and Kevin Fogerty, Esquire, counsel for Defendants Michael Kermec and The Cadle Company, do not concur in this Motion.

Submitted by,
/s/Joseph R. Reisinger
Joseph R. Reisinger