

**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

**PLAINTIFF’S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO THE CITY DEFENDANTS**

The Plaintiff, Joseph R. Reisinger, by and through his attorney, Joseph R. Reisinger, Esq., hereby makes a demand in accordance with the Federal Rules of Civil Procedure, that the Defendant, the City of Wilkes-Barre, and its attorney and representatives, supply originals or authentic legible copies of the documents hereinafter identified and requested, to the law office of Joseph R. Reisinger, Esq., within thirty (30) days after service of this request.

DEFINITIONS

A. The term "anyone acting on your behalf" includes, but is not limited to, your representatives, investigators, adjusters, insurers, employees, servants, spouse, parents, consultants, sureties, indemnitors, agents and attorneys.

B. The term "identify" or "identity" used in reference to any natural person means to state his/her full name, age, present or last known address and telephone number, his/her present or last known business affiliation, title and occupation at the time covered by any response referring to such person.

C. The term "document" or "documents" includes, but is not limited to, the original, together with all prior drafts and subsequent modifications thereto, and all copies of such original drafts and modifications, regardless of origin or location, of any correspondence, letter, memorandum, (including any memorandum or report of a meeting, telephone or other conversation), diary, illustration, photograph, contract, agreement, drawing, specification, plan, graph, chart, book, pamphlet, brochure, report, note, notice, diagram, analysis, study, and/or other compilation of data, whether in print, electronic, computer image or other form, from which information can be obtained or translated into usable form, together with information communicated orally but the substance of which has been written down, relating or pertaining in any way to occurrence, including but not limited to, the transcription of any recorded statement, tape, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced any in your possession, custody or control or in the possession, custody of control of anyone acting on your behalf.

D. The term "documents relating to" is intended to refer to documents which in whole or in part relate to the designated category of information described.

E. The term "City Defendants" means the City of Wilkes-Barre, Thomas Leighton, Frances Kratz and Gregory Barrouk.

F. The term "Cadle Defendants" means The Cadle Company II, Inc. and Michael Kermec.

INSTRUCTIONS REGARDING PRIVILEGED DOCUMENTS

To the extent, if at all, that you object to the production of any document as requested herein, whether in whole or in part, on the ground that the information sought therein is

privileged or otherwise immune from discovery, you are to state the date thereof, the identify of the sender, the addressee and each person who received or was shown a copy thereof, describe the subject matter thereof, and state the ground on which it is claimed to be non-discoverable.

This Request for Production shall be deemed to be continuing in nature so as to require the production of further documents obtained between the date response is made to this Request and the date of trial or such earlier time as the Court in this case may fix as a deadline for the production of documents which are to be used or will be usable at the trial of this case.

DOCUMENTS REQUESTED

1. The entire contents of any investigative file obtained, developed, or possessed by you or anyone else acting on your behalf, excluding (i) confidential communications between you and your attorney, (ii) the mental impressions, conclusions, opinions, memoranda, notes or summaries, legal research or legal theories of your attorney, and also (iii) the mental impressions, conclusions or opinions of your attorney representing the value or merit of a claim or defense or respecting strategy or tactics.
2. All statements, whether signed, unsigned or recorded, taken or obtained by you or anyone acting on your behalf with regard to the subject matter of the Plaintiff's actions, or the claims or defenses of any party.
3. All personal notes, diaries, journals, day planners, or other documents containing information relating to the allegations in the Complaint, or the Defendant's answers.
4. All documents which will be relied upon or utilized by you at trial for any purpose, including but not limited to all trial exhibits, expert reports, and rebuttal documents.

5. All documents which support or relate to defending the claim for damages that the Plaintiff asserts in the Complaint, as well as a copy of all documents related to the calculations contesting the damages alleged in the Complaint.

6. All documents relating to the inspections of the Plaintiffs properties by the City Defendants or any other City representatives.

7. All documents relating to the closures of Plaintiffs properties by the City Defendants or any other representatives of the City.

8. All citations issued by the City or its representatives to Plaintiff.

9. All documents containing communications between the City Defendants and the Plaintiff, or which memorialized any such communications.

10. All documents which support the allegation of the City Defendants that the Plaintiff was not precluded from being able to resume the management of his 26 properties as alleged in Paragraph 33 of the Complaint

11. All documents which support the allegations by each or any of the City Defendants that the closures and condemnations of 444 South Franklin St., 442 South Franklin St., 448 South Franklin St. and 62-64 West Ross St., were not in violation of the building code or the rental ordinance of the City of Wilkes-Barre as alleged by the Plaintiff.

12. All documents which support the claims of the City Defendants that they have not conspired with each other, or any of the Cadle Defendants, or acted in concert in an effort to harm the Plaintiff as described in paragraphs 75 and 76 of the Complaint.

13. The curriculum vitae and expert reports for each of the experts the City Defendant's intend to call as witnesses at trial.

14. Any and all e-mails as it relates to the Plaintiff's Complaint.

15. Any and all phone bills, including but not limited landline and cell phone bills.
16. All documents which refer or relate to the Answer of any of the City Defendants in the First Set of Interrogatories.
17. To the extent not otherwise provided, all documents which support the claims set forth in the City Defendants' Answer.

Respectfully submitted,

Joseph R. Reisinger, Esq.