

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSEPH R. REISINGER,</b>	:	<b>CIVIL ACTION – LAW</b>
<b>Plaintiff</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
<b>v.</b>	:	
	:	
<b>THE CITY OF WILKES BARRE;</b>	:	
<b>THOMAS LEIGHTON;</b>	:	
<b>FRANCES KRATZ;</b>	:	<b>(Honorable Richard P. Conaboy)</b>
<b>GREGORY BARROUK;</b>	:	
<b>MICHAEL KERMEC and</b>	:	
<b>THE CADLE COMPANY II, INC.</b>	:	
<b>Defendants</b>	:	<b>No. 3:09-CV-210</b>

**MOTION TO COMPEL PRODUCTION OF DOCUMENTS DIRECTED TOWARD  
CADLE DEFENDANTS**

The Plaintiff, JOSEPH R. REISINGER, *pro se*, hereby moves this Honorable Court to enter an appropriate Order compelling the Defendants, The Cadle Company II, Inc. and Michael Kermec (the “Cadle Defendants”) to produce the documents requested by the Plaintiff pursuant to Rule 37 of the Federal Rules of Civil Procedure, 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 Defendants a Request for Production of Documents consisting of forty-three (43) requests to both the Cadle Defendants and also the City Defendants, requesting that they each respond as appropriate, and a copy of those requests is attached as Exhibit A, Loftus Request, and is incorporated herein.
3. Unfortunately, Attorney Loftus did not specifically state which of the forty-three (43) requests pertained specifically to Cadle, which particular requests pertained specifically to

the City, and which requests applied equally to both the Cadle Defendants and the City Defendants.

4. The Plaintiff then took the time to determine which requests pertained only to the Cadle Defendants, and determined that the number of requests that were specific to the Cadle Defendants was only twenty-six (26) of the forty-three (43) requests.

5. The Cadle Defendants failed to comply with the above Loftus Request in any meaningful way and only produced a very limited number of documents that were requested by the Plaintiff's prior legal counsel.

6. The Plaintiff then terminated his representation by Attorney Loftus for various reasons, and 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 Cadle Defendants, which were very limited.

7. The Plaintiff reviewed the documents that were given to him and concluded that apparently Cadle had only provided documents in response to approximately two (2) of the Plaintiff's twenty-six (26) Requests that were directed toward Cadle.

8. Due to the fact that the Cadle Defendants had failed to provide the Plaintiff with any of the meaningful documents that he needs to proceed with his case and to accurately calculate his damages, the Plaintiff, *pro se*, then filed a Request for Production of Documents to the Cadle Defendants requesting documents, some of which had been previously requested by Attorney Loftus, but apparently not produced by the Cadle Defendants, that are necessary for the Plaintiff to be able to establish his case and to accurately calculate his damages, and a copy of that Request is attached as Exhibit B, Request #2 and is incorporated herein.

9. The Cadle Defendants responded to Plaintiff's Request #2 on June 8, 2010 by refusing to produce any of the documents requested and claiming that the Plaintiff had exceeded

the amount of requests that are allowed under the Case Management Plan, and that a number of the documents had already been provided to the Plaintiff's former attorney Peter Loftus.

10. The Case Management Plan in this case states that each side is entitled to serve sixty-five (65) Requests for Production on each opposing party.

11. However, as mention above, only twenty-six (26) of the forty-three (43) requests in the Loftus Request pertained to the Cadle Defendants, and as mentioned above, the Cadle Defendants failed to comply with most of these requests.

12. Plaintiff's Request #2 contained forty-one (41) requests for document from the Cadle Defendants, at least five (5) of which, were already asked for, but not produced in the Loftus Request.

13. Therefore, the Cadle Defendants have only received approximately sixty-two (62) requests from the Plaintiff and/or his former attorney, and as such, the Plaintiff has not exceeded the number of sixty-five (65) document requests as set forth in the Case Management Plan.

14. Also, as pointed out above, the Cadle Defendants have refused to comply with the vast majority of the document requests that were sent to them.

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

16. Exhibit C demonstrates that what the Plaintiff has actually received from the Cadle Defendants is largely irrelevant and incomplete, and therefore the Plaintiff needs to receive the information that he requested in Request #2 as soon as possible.

17. The Cadle Defendants have indicated that they will not provide any further documents to the Plaintiff at this time absent an order from this Honorable Court.

18. The Plaintiff has taken an inventory of the documents that he has in his possession that he received from his former attorney, and has concluded that the Cadle Defendants did not provide him with any of the relevant information that he requested in either of the Requests for Production of Documents that were served on the Cadle Defendants.

19. The Plaintiff only has in his possession (i) redacted copies of certain internal memos created by the Defendant, Michael Kermec and other Cadle employees, (ii) copies of certain letters that the Defendant, Michael Kermec sent to various tenants of Plaintiff's properties, and (iii) copies of certain appraisals that were made of Plaintiff's properties, apparently previously authorized by the Cadle Defendants.

20. The documents sought by Request #2 contain information that is highly relevant and is absolutely essential to the Plaintiff's preparation for trial and the calculation of his damages, and is within the knowledge and control of the Cadle Defendants

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

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

23. The Plaintiff has attempted to get the Cadle Defendants to comply with these requests without court action being needed, but the Cadle 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.

24. 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.

25. The Plaintiff is unable to conduct depositions of the Cadle 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 Cadle Defendants.

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

**WHEREFORE**, the Plaintiff, JOSEPH R. REISINGER, respectfully requests that this Motion To Compel Production of Documents Directed Toward the Cadle Defendants be granted and that this Honorable Court enter an Order pursuant to Rule 37 of the Federal Rules of Civil Procedure, compelling the Cadle 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.

Respectfully submitted by,

/s/Joseph R. Reisinger  
Joseph R. Reisinger  
444 S. Franklin St.  
Wilkes-Barre, PA 18702  
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<b>Plaintiff</b>	:	
	:	<b>JURY TRIAL DEMANDED</b>
<b>v.</b>	:	
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<b>THE CITY OF WILKES BARRE;</b>	:	
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<b>THE CADLE COMPANY II, INC.</b>	:	
<b>Defendants</b>	:	<b>No. 3:09-CV-210</b>

**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 Cadle Defendants 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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<b>Defendants</b>	:	<b>No. 3:09-CV-210</b>

**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