

EXHIBIT D

MAGREF

**United States District Court
Middle District of Pennsylvania (Scranton)
CIVIL DOCKET FOR CASE #: 3:07-cv-01221-JMM-MEM**

Reisinger v. Seneca Speciality Insurance Company
Assigned to: Honorable James M. Munley
Referred to: Magistrate Judge Malachy E. Mannion
Case in other court: Court of Common Pleas of Luzerne
County, 844-07
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 07/06/2007
Jury Demand: Defendant
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Joseph R. Reisinger

represented by **Joel C. Hopkins**
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TERMINATED: 07/22/2008
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V.

Defendant

Seneca Speciality Insurance

represented by **Christopher E. Ballod**

Company

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Date Filed	#	Docket Text
07/06/2007	<u>1</u>	NOTICE OF REMOVAL by Seneca Speciality Insurance Company from Court of Common Pleas of Luzerne County, case number 844-07. (Filing fee \$ 350 receipt number 1065624), filed by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Exhibit(s) A# Praecipe for Issuance of Writ of Summons;(2) Exhibit(s) B# Praecipe for Rule to File Complaint;(3) Exhibit(s) C-1# Complaint;(4) Exhibit(s) C-2# <u>5</u> Exhibit(s) D)Answer to the Complaint (bg,) Modified on 7/12/2007 (bs,). (Entered: 07/06/2007)
07/06/2007	<u>2</u>	DISCLOSURE STATEMENT PURSUANT TO FRCP 7.1. (bg,) (Entered: 07/06/2007)
07/12/2007	<u>3</u>	SCHEDULING ORDER: Case Management Conference set for 7/31/2007 at 10:30 AM in Wilkes-Barre before Magistrate Judge Malachy E. Mannion.Signed by Judge Malachy E. Mannion on 7/12/07. (bs,) (Entered: 07/12/2007)
07/17/2007		Special Admission forms filed by Atty's Christopher Leise and Michelle Coburn deleted. Forms were outdated. Cnsl. called and asked to submit updated special admission forms and refile electronically. (bs,) (Entered: 07/17/2007)

07/18/2007	<u>4</u>	RESPONSE by Joseph R. Reisinger. (Hopkins, Joel) (Entered: 07/18/2007)
07/20/2007	<u>5</u>	WITHDRAWN PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Michelle D. Coburn on behalf of Seneca Speciality Insurance Company Attorney Michelle D. Coburn is seeking special admission. Filing Fee: 25.00 Receipt Number: 333002654. (ga,) Modified on 7/28/2008 (bs,). (Entered: 07/20/2007)
07/20/2007	<u>6</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Christopher P. Leise on behalf of Seneca Speciality Insurance Company Attorney Christopher P. Leise is seeking special admission. Filing Fee: 25.00 Receipt Number: 333002654. (ga,) (Entered: 07/20/2007)
07/30/2007	<u>7</u>	CASE MANAGEMENT PLAN (<i>Parties' Joint Case Management Plan</i>) by Seneca Speciality Insurance Company. (Ballod, Christopher) (Entered: 07/30/2007)
07/31/2007	<u>8</u>	ORAL MOTION to Continue CMC by Joseph R. Reisinger.(with concurrence of cnsl. for the defts)(bs,) (Entered: 07/31/2007)
07/31/2007	<u>9</u>	ORAL ORDER granting 8 Motion to Continue CMC. Case Management Conference to be held by telephone on Tues. 8/7/2007 at 11:00 AM before Magistrate Judge Malachy E. Mannion. Signed by Judge Malachy E. Mannion on 7/31/07 (bs,) (Entered: 07/31/2007)
08/07/2007	<u>10</u>	SPECIAL ADMISSIONS FORM APPROVED as to Michelle D. Coburn.Signed by Judge Malachy E. Mannion on 7/30/07. (bs,) (Entered: 08/07/2007)
08/07/2007	<u>11</u>	SPECIAL ADMISSIONS FORM APPROVED as to Christopher P. Leise.Signed by Judge Malachy E. Mannion on 7/30/07. (bs,) (Entered: 08/07/2007)
08/16/2007	<u>12</u>	ORDER: Case Management Conference held; 1) Joining Parties deadline - 11/16/07; 2) Amendment of Pleadings deadline - 11/16/07; 3) Discovery - 12/31/07; 4) Dispositive Motions - 3/14/08; 5) Expert Reports - Plaintiff - 1/1/08; Defendant - 2/4/08; Signed by Judge Malachy E. Mannion on 8/16/07. (kn,) (Entered: 08/16/2007)
08/31/2007	<u>13</u>	LETTER MOTION for Extension of Time to to submit claim of loss by Joseph R. Reisinger.(bs,) (Entered: 08/31/2007)
08/31/2007	<u>14</u>	ORDER granting <u>13</u> pltf's Motion to Extend Time to submit his claim of loss. Claim of loss due by 9/7/2007. Signed by Judge Malachy E. Mannion on 8/31/07 (bs,) (Entered: 08/31/2007)
11/15/2007	<u>15</u>	SCHEDULING ORDER: Telephone Status Conference set for 11/21/2007 10:30 AM. Cns. for the defts. will be responsible for placing the telephone call.Signed by Judge Malachy E. Mannion on 11/15/07. (bs,) (Entered: 11/15/2007)
02/19/2008	<u>16</u>	STATUS REPORT by Seneca Speciality Insurance Company. (bs,) (Entered: 02/20/2008)

04/17/2008	<u>18</u>	Letter from Atty. Michelle Coburn dated April 17, 2008 (Attachments: # <u>1</u> Attachments) (bs,) (Entered: 05/05/2008)
04/23/2008	<u>21</u>	RESPONSE by Joseph R. Reisinger to <u>18</u> Letter. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(bs,) (Entered: 05/19/2008)
05/05/2008	<u>17</u>	ORDER that L.R. 5.6 requires the e-filing of all docs. Effective immediately, all future docs. must be e-filed. The court will no longer accept docs. from the parties via fax, regular mail or hand delivery.Signed by Magistrate Judge Malachy E. Mannion on 5/5/08. (bs,) (Entered: 05/05/2008)
05/19/2008	<u>19</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Joseph R. Reisinger on behalf of Joseph R. Reisinger Attorney Joseph Reisinger is seeking special admission. Filing fee \$ 25, receipt number 0314000000001290637.. (Reisinger, Joseph) (Entered: 05/19/2008)
05/19/2008	<u>20</u>	CERTIFICATE OF SERVICE by Joseph R. Reisinger (Reisinger, Joseph) (Entered: 05/19/2008)
06/24/2008	<u>22</u>	MOTION for Judgment on the Pleadings <i>Based Upon Accord and Satisfaction or, In the Alternative</i> , MOTION to Stay and Compel Appraisal by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Proposed Order Proposed Orders)(Coburn, Michelle) (Entered: 06/24/2008)
06/24/2008	<u>23</u>	BRIEF IN SUPPORT re <u>22</u> MOTION for Judgment on the Pleadings <i>Based Upon Accord and Satisfaction or, In the Alternative</i> MOTION to Stay and Compel Appraisal filed by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Exhibit(s) Exhibit 1, # <u>2</u> Exhibit(s) Exhibits 2-6, # <u>3</u> Exhibit (s) Exhibits 7-10, # <u>4</u> Exhibit(s) Exhibits 11-14)(Coburn, Michelle) (Entered: 06/24/2008)
07/16/2008	<u>24</u>	MOTION for Leave to File <i>Brief in Opposition to Defendant's Motion for Judgment</i> by Joseph R. Reisinger. (Attachments: # <u>1</u> Proposed Order) (Reisinger, Joseph) (Entered: 07/16/2008)
07/16/2008	<u>25</u>	BRIEF IN OPPOSITION re <u>24</u> MOTION for Leave to File <i>Brief in Opposition to Defendant's Motion for Judgment on the Pleadings</i> filed by Joseph R. Reisinger. (Attachments: # <u>1</u> Exhibit(s) Exhibit A)(Reisinger, Joseph) (Entered: 07/16/2008)
07/17/2008	<u>26</u>	ORDER granting <u>24</u> pltf's Motion for Leave to File Br. in Oppos. to deft's mot. for jgm. on pleadings nunc pro tunc.Signed by Magistrate Judge Malachy E. Mannion on 7/17/08 (bs,) (Entered: 07/17/2008)
07/22/2008	<u>27</u>	WITHDRAWAL OF ATTORNEY APPEARANCE - Attorney Joseph R. Reisinger terminated on behalf of Reisinger, Joseph R.. (Reisinger, Joseph) (Entered: 07/22/2008)
07/28/2008	<u>28</u>	ORDER Granting <u>27</u> Attorney Withdrawal of Appearance, <u>19</u> Petition for Special Admission - Pro Hac Vice filed by Joseph R. Reisinger.Signed by Magistrate Judge Malachy E. Mannion on 7/28/08. (bs,) (Entered: 07/28/2008)
07/29/2008	<u>29</u>	REPLY BRIEF re <u>22</u> MOTION for Judgment on the Pleadings <i>Based Upon</i>

		<i>Accord and Satisfaction or, In the Alternative</i> MOTION to Stay and Compel Appraisal filed by Seneca Speciality Insurance Company.(Coburn, Michelle) (Entered: 07/29/2008)
03/02/2009	<u>30</u>	ORDER that: 1) the defendant's motion for judgment on the pleadings, or in the alternative, motion to stay and compel appraisal <u>22</u> is GRANTED in part and DISMISSED in part; 2) w/in 30 days of the date of this order the parties are directed to have their appraisers select and umpire and submit their differences with respect to the exchanged valuations to the umpire for decision; 3) on or before 3/27/09 the parties are to provide a written status report to the court w/in respect to the progress being made in the appraisal process; 4) in light of the posture of the instant action, the parties are forewarned that extensions of the applicable deadlines will be considered only in the most urgent of circumstances; Signed by Honorable Magistrate Judge Mannion on 3/2/09. (kn,) Modified on 3/3/2009 (sm,). (Entered: 03/02/2009)
04/07/2009	<u>31</u>	SCHEDULING ORDER: In-Court Status Conference set for 4/20/2009 11:00 AM in Wilkes-Barre - Courtroom 2 before Magistrate Judge Malachy E. Mannion.Signed by Magistrate Judge Malachy E. Mannion on 4/6/09. (bs,) (Entered: 04/07/2009)
04/20/2009	<u>32</u>	STATUS REPORT dated March 30, 2009 by Seneca Speciality Insurance Company. (bs,) (Entered: 04/20/2009)
04/20/2009	<u>33</u>	STATUS REPORT by Joseph R. Reisinger dated April 1, 2009. (bs,) (Entered: 04/20/2009)
04/20/2009	<u>34</u>	SCHEDULING ORDER: that the pltf. shall formally accept or reject by close of business 4/24/09 the deft's prop. umpire. If not accepted pltf. must submit 4 suggested neutral umpires by close of bus. on 4/24/09. Thereafter the deft. will respond. by 5/1/09. See order for additional ddls. and details.Signed by Magistrate Judge Malachy E. Mannion on 4/20/09. (bs,) (Entered: 04/20/2009)
04/21/2009	<u>35</u>	COURT REPORTER NOTES OF PROCEEDINGS filed by K. Yeager of In-person status conference before Judge Mannion on 4/20/09. In accordance with 28 U.S.C. Section 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Middle District of PA before Judge Mannion on 4/20/09. By s/ K. Yeager. (Court Reporter Notes are viewable by court staff only). (cr,) (Entered: 04/21/2009)
04/27/2009	<u>36</u>	STIPULATION of extension of deadlines by Joseph R. Reisinger; (ep,) (Entered: 04/27/2009)
04/27/2009	<u>37</u>	ORDER that the <u>36</u> Stipulation filed today is Approved. Signed by Magistrate Judge Malachy E. Mannion on 4/27/09. (bs,) (Entered: 04/27/2009)
04/29/2009	<u>38</u>	Letter from Michelle D. Coburn, Esquire to <i>Magistrate Judge Malachy Mannion</i> . (Coburn, Michelle) (Entered: 04/29/2009)
05/20/2009	<u>39</u>	ORDER that the court will appoint a neutral umpire Daniel L. Penetar, Jr., Esq. The parties are to comply with all directions of the neutral umpire, etc. The parties are to reimburse the neutral umpire for his services in accordance with his normal hourly fees for such activities. See order for full details.Signed by

		Magistrate Judge Malachy E. Mannion on 5/20/09. (bs,) (Entered: 05/20/2009)
11/02/2009	<u>40</u>	MOTION for Extension of Time to Complete Discovery by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit(s)) (Coburn, Michelle) (Entered: 11/02/2009)
11/05/2009	<u>41</u>	NOTICE of Appearance by Kevin M. Walsh on behalf of Joseph R. Reisinger (Walsh, Kevin) (Entered: 11/05/2009)
11/06/2009	<u>42</u>	Letter to Judge Mannion from Kevin Walsh, Esquire by Joseph R. Reisinger.. (Walsh, Kevin) (Entered: 11/06/2009)
11/06/2009	<u>43</u>	ORDER granting <u>40</u> concurred-in Motion for Extension of pretrial deadlines. Discovery due by 2/5/2010. Expert rpts from pltf. due 3/5/10, by defrts. 4/5/10 & suppls. 3/20/10. All dispositive motions due 4/25/10.Signed by Magistrate Judge Malachy E. Mannion on 11/6/09 (bs,) (Entered: 11/06/2009)
04/23/2010		DOCKET ANNOTATION: Docs. 44, 45, 46 & 47 deleted to be refiled properly by deft. (bs,) (Entered: 04/23/2010)
04/26/2010	<u>44</u>	MOTION for Summary Judgment by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Nonconcurrency, # <u>3</u> Exhibit(s) 1, # <u>4</u> Exhibit(s) 2, # <u>5</u> Exhibit(s) 3, # <u>6</u> Exhibit(s) 4, # <u>7</u> Exhibit(s) 5, # <u>8</u> Exhibit(s) 6, # <u>9</u> Exhibit(s) 7, # <u>10</u> Exhibit(s) 8)(Leise, Christopher) (Entered: 04/26/2010)
04/26/2010	<u>45</u>	Statement of Material Facts by Seneca Speciality Insurance Company.(Leise, Christopher) Modified on 4/27/2010 (bs,). (Entered: 04/26/2010)
04/26/2010	<u>46</u>	BRIEF IN SUPPORT re <u>44</u> MOTION for Summary Judgment, <u>45</u> MOTION for Summary Judgment <i>Statement of Material Facts</i> filed by Seneca Speciality Insurance Company.(Leise, Christopher) (Entered: 04/26/2010)
04/26/2010	<u>47</u>	CERTIFICATE OF SERVICE by Seneca Speciality Insurance Company re <u>44</u> MOTION for Summary Judgment, <u>45</u> MOTION for Summary Judgment <i>Statement of Material Facts</i> , <u>46</u> Brief in Support of <i>Motion for Summary Judgment</i> (Leise, Christopher) (Entered: 04/26/2010)
05/14/2010	<u>48</u>	MOTION for Extension of Time to Extension to respond to Defendant's Motion for Summary Judgment by Joseph R. Reisinger. (Attachments: # <u>1</u> Proposed Order)(Walsh, Kevin) (Entered: 05/14/2010)
05/18/2010	<u>49</u>	ORDER granting <u>48</u> Motion to Extend Time by 21 days w/in which to file a Pltf's Response to and Brief Def't's Motino for Summary Judgment. Signed by Magistrate Judge Malachy E. Mannion on 5/18/2010 (rm,) (Entered: 05/18/2010)
06/08/2010	<u>50</u>	MOTION for Extension of Time to File Brief filed by Joseph R. Reisinger. (Attachments: # <u>1</u> Certificate of Concurrence, # <u>2</u> Proposed Order)(Reisinger, Joseph) (Entered: 06/08/2010)
06/08/2010	<u>51</u>	BRIEF IN OPPOSITION re <u>50</u> MOTION for Extension of Time to File Brief filed filed by Seneca Speciality Insurance Company.(Coburn, Michelle) (Entered: 06/08/2010)

06/11/2010	<u>52</u>	ORDER granting <u>50</u> Motion for Extension of Time to File Response to <u>50</u> MOTION for Summary Judgment. Brief in Opposition due by 6/21/2010.Signed by Magistrate Judge Malachy E. Mannion on 6/11/2010 (rm,) (Entered: 06/11/2010)
06/21/2010	<u>53</u>	MOTION for Extension of Time to for additional seven (7) days to respond to Defendant's Motion for Summary Judgment by Joseph R. Reisinger. (Attachments: # <u>1</u> Proposed Order)(Walsh, Kevin) (Entered: 06/21/2010)
06/22/2010	<u>54</u>	ORDER denying <u>53</u> Motion to Extend Time for an additional 7 days to file a brief in opposition. The pltf may file an untimely brief by Friday, 6/25/2010. The court may in its discretion consider, or not consider, the arguments raised in this untimely filing as it deems appropriate. Signed by Magistrate Judge Malachy E. Mannion on 6/22/2010 (rm,) (Entered: 06/22/2010)
06/24/2010	<u>55</u>	RESPONSE by Joseph R. Reisinger to <u>44</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Proposed Order)(Walsh, Kevin) (Entered: 06/24/2010)
06/24/2010	<u>56</u>	BRIEF IN OPPOSITION re <u>44</u> MOTION for Summary Judgment filed by Joseph R. Reisinger.(Walsh, Kevin) (Entered: 06/24/2010)
06/24/2010	<u>57</u>	ANSWER TO STATEMENT OF FACTS re <u>46</u> Brief in Support <i>with Affidavit</i> filed by Joseph R. Reisinger. (Attachments: # <u>1</u> cover page & Table of Contents, # <u>2</u> Plaintiff's Affidavit, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5)(Walsh, Kevin) (Entered: 06/24/2010)
06/24/2010	<u>58</u>	EXHIBIT <i>Cover Page, Table of Contents and Table of Citations</i> by Joseph R. Reisinger re <u>56</u> Brief in Opposition. (Walsh, Kevin) (Entered: 06/24/2010)
07/06/2010	<u>59</u>	First MOTION for Extension of Time to File <i>Brief in Reply to Plaintiff's Opposition to Motion for Summary Judgment</i> filed by Seneca Speciality Insurance Company.(Leise, Christopher) (Entered: 07/06/2010)
07/12/2010	<u>60</u>	ORDER granting <u>59</u> defts Motion for Extension of Time of 7 days to File Reply to <u>44</u> MOTION for Summary Judgment Reply Brief due by 7/19/2010.Signed by Magistrate Judge Malachy E. Mannion on 7/12/10 (bs,) (Entered: 07/12/2010)
07/15/2010	<u>61</u>	REPLY BRIEF re <u>44</u> MOTION for Summary Judgment, <u>45</u> MOTION for Summary Judgment <i>Statement of Material Facts In Support of Motion for Summary Judgment</i> filed by Seneca Speciality Insurance Company. (Attachments: # <u>1</u> Certification of Word Count, # <u>2</u> Certification of Counsel, # <u>3</u> Table of Contents for Exhibits, # <u>4</u> Exhibit(s) 9, # <u>5</u> Exhibit(s) 10, # <u>6</u> Exhibit (s) 11)(Leise, Christopher) (Entered: 07/15/2010)
07/15/2010	<u>62</u>	STATEMENT OF FACTS re <u>61</u> Reply Brief, <i>Responding Statement of Facts</i> filed by Seneca Speciality Insurance Company.(Leise, Christopher) (Entered: 07/15/2010)
07/15/2010	<u>63</u>	CERTIFICATE OF SERVICE by Seneca Speciality Insurance Company re <u>62</u> Statement of Facts, <u>61</u> Reply Brief, <i>Certificate of Service for Reply Brief</i> (Leise, Christopher) (Entered: 07/15/2010)

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