

**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

**MOTION FOR PERMISSION TO HAVE TEN (10) DAYS TO FILE A
RESPONSE TO DEFENDANTS’ RESPONSES IN OPPOSITION TO
PLAINTIFF’S MOTION FOR RECONSIDERATION**

The Plaintiff, Joseph R. Reisinger (the “Plaintiff”), is filing *pro se*, and hereby requests that this Honorable Court grant him a ten (10) day period to be allowed to file a reply to the responses that each of the Defendants have filed in opposition to the Plaintiff’s Motion for Reconsideration, filed on August 31, 2010, related to the above case, and in support hereof, avers as follows:

A. Forced Illegal Office Closure

1. On August 31, 2010, the Plaintiff filed a Motion for Reconsideration in the above case.

2. On September 13, 2010, Mr. Fogerty, counsel for the Cadle Defendants, filed a Memorandum of Law In Opposition to the Plaintiff's Motion for Reconsideration along with several exhibits.

3. The Plaintiff then began to prepare a motion to be filed with this Honorable Court to request permission to file a response to Mr. Fogerty's above Memorandum of Law, and in addition, the Plaintiff also began to prepare a preliminary draft of a response to Mr. Fogerty's filing.

4. Unfortunately, in a series of events that, at least from the Plaintiff's perspective, were hereunto unimaginable, the Plaintiff's "Law Office" was forcibly and illegally closed starting Thursday afternoon, September 16, 2010, and its status has remained in a state of litigation to current date as described herein.

5. A large portion of the Plaintiff's above case, presently before this Honorable Court, involved the forced closures and evacuations of the Plaintiff's Law Office locations and various other enforcement actions taken by the City of Wilkes-Barre against the Plaintiff that were taken as a result of bias, bad faith and/or potentially an actual hatred of the Plaintiff by the City of Wilkes-Barre and various of its employees and agents.

6. For this reason, it seems unimaginable that the day after the Plaintiff sat through several hours of depositions in regard to the above case, one of the employees of the City, Kratz, the major alleged "culprit" in the above case, at the

end of the above deposition, approached the Plaintiff and made a very serious physical threat against the Plaintiff, that representatives of the City of Wilkes-Barre, within twenty-four hours of the above threat, would again attempt to illegally close the Plaintiff's Law Office, which would include all of his office equipment and all of his client files, in addition to destroying the Plaintiff's livelihood.

7. In the above regard, attached as Exhibit A is a copy of the Petition for Emergency Preliminary Injunction (the "Petition"), that sets forth most of the important facts related to the above, that was prepared in great haste and filed by the Plaintiff late Thursday afternoon, September 16, 2010 with the Luzerne County Court of Common Pleas attempting to prevent the City of Wilkes-Barre and the individuals with them from closing the Plaintiff's Law Office, as well as the entire "Building" within which the Law Office is located, at which time the entire contents of the Plaintiff's Law Office were going to be illegally confiscated and removed from the Building.

8. Because of the fact that the above Petition was prepared in an hour under extreme duress, please excuse all of the typos that are in that pleading.

9. Additionally, attached as Exhibit B is a copy of the "Order" signed by the Honorable Judge Gartley of the Luzerne County Court of Common Pleas granting the requested emergency preliminary injunction based on the reasons set

forth in the Petition, and a hearing was scheduled for Tuesday, September 21, 2010 with the Honorable Judge Saxton presiding.

10. Next, at the above hearing on September 21, 2010 before Judge Saxton, the City of Wilkes-Barre agreed (i) to cease asserting in the future any subsequent patently illegal baseless notice or citation to be issued to the Plaintiff that his Law Office or Building was at that time in any way “uninhabitable” because there was absolutely no conceivable basis to support said assertions, and (ii) to treat any potential issue in regard to the possible minor cleanup of a very small portion of the basement of the Plaintiff’s Building as a routine matter, and as a consequence, the Plaintiff agreed to allow the withdrawal of the City of Wilkes-Barre as a respondent in the above preliminary injunction action.

11. However, Judge Saxton did continue the injunction in regard to Mid-County Resources, the other respondent in the Petition, for the obvious reasons that were set forth in the Petition.

12. The issue before the Luzerne County Court of Common Pleas now, in the Plaintiff’s regard, is the determination of the appropriate amount of the bond to be posted based on the facts and circumstances of the above case, and the Plaintiff is presently preparing a motion and a related memorandum of law in order to address that issue.

13. Further, because of the outrageous actions that occurred at the Plaintiff's Law Office on the above Thursday afternoon, including the physical assault of the Plaintiff by an owner/agent of Mid-County Resources, the Plaintiff has just prepared and has filed a complaint (the "Complaint"), a copy attached as Exhibit C, (i) asserting numerous claims against the City of Wilkes-Barre, and several of its employees (the "City Defendants"), and also (ii) asserting numerous claims against Mid-County Resources, and all of its owners and employees (the "MC Defendants"); collectively, the City Defendants and the MC Defendants are referred to herein as the "Defendants".

14. More specifically, the Complaint involves the Plaintiff's numerous causes of action related to the above against all of the above Defendants because of (i) first, the above attempted baseless and therefore illegal forced closure of the Plaintiff's Law Office by representatives of the City of Wilkes-Barre, and (ii) then the attempted obviously illegal confiscation of (a) all of the tangible assets constituting the Plaintiff's law practice, including all of his office equipment, and all of the Plaintiff's clients' files, and (b) his Building by the MC Defendants.

15. The above coordinated effort between the Defendants was obviously the result of a conspiracy that had been hatched by all of the above very morally depraved Defendants.

16. Also, attached as Exhibit D is a copy of a complaint, “Complaint #2”, that the Plaintiff has also just filed concerning the City of Wilkes-Barre, and six of its employees, as defendants, because of their obvious violation of other statutes, which has created a substantial financial loss to the Plaintiff, all as set forth in Exhibit D.

B. Scheduling Issues

I. Office Protection;

17. Further, because of the fact that the Plaintiff has been involved with his staff on a full time basis since September 16, 2010 in taking all steps necessary to protect all of the assets constituting his law practice, including all of his clients’ confidential files, and also his Law Office location and his Building from any further actions by the MC Defendants, the Plaintiff has not had an opportunity to resume the preparation of this motion until now.

18. In the above regard, the Plaintiff, since September 16, 2010, has had to (i) first prepare for the above hearing, (ii) then address many of the matters that were raised at the above hearing, (iii) then prepare the attached Complaint and Complaint #2, which were very time-consuming projects, as the Plaintiff does not have prior trial experience, and (iv) then prepare all of the other pleadings that are now necessitated in regard to other issues of priority related to the MC Defendants.

19. Additionally, in the interim, Mr. Brobst, counsel for the City of Wilkes-Barre, has also filed a Brief in Opposition to the above Plaintiff's Motion for Reconsideration on September 17, 2010.

20. Therefore, the Plaintiff is requesting permission to have ten (10) days to file a response to both Mr. Fogerty's Memorandum, as well as Mr. Brobst's Brief, prior to this Honorable Court making a decision in regard to the Plaintiff's Motion for Reconsideration so that the Court will have before it all of the information regarding what has transpired.

WHEREFORE, the Plaintiff, respectfully requests that this Motion to Have Ten (10) Days to File a Response to Defendants' Responses in Opposition to Plaintiff's Motion for Reconsideration be granted, so that the Plaintiff will have an opportunity to file a response to each of the above Defendant's responses, so as to ensure the fact that this Honorable Court has all the pertinent facts in writing prior to making a decision.

Respectfully submitted,

/s/Joseph R. Reisinger
Joseph R. Reisinger, *pro se*

444 S. Franklin St.
Wilkes-Barre, PA 18702
Tel: (570) 823-3377
Fax: (570) 823-8890
jrrpc@verizon.net