

IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY

JOSEPH R. REISINGER, :  
 :  
 Petitioner :  
 :  
 vs. :  
 :  
 LUZERNE COUNTY :  
 TAX CLAIM BUREAU :  
 THE CITY OF WILKES-BARRE, and :  
 MID-COUNTY RESOURCES, :  
 :  
 Respondents :

Case No.

FILED  
 PROTHONOTARY  
 LUZERNE COUNTY  
 2010 SEP 16 PM 4:50

**EMERGENCY PETITION FOR PRELIMINARY INJUNCTION**

Your Petitioner, Joseph R. Reisinger, pro se, is filing this Emergency Petition for a Preliminary Injunction, and in support of same, alleges the following:

1. On Thursday, September 16, 2010, the Petitioner was advised at approximately at 1:00 p.m., that his property at 444 South Franklin Street had been sold at a Judicial Tax Sale.
2. Also, at the above time, the Petitioner was advised of the above by the new owner of the property, Mid-County Resources who wanted physical possession of the property at that time.
3. In the company of Mid-County resources, was a representative of the Wilkes-Barre's Housing Inspection Unit, and because Mid-County Resources, wanted to do an immediate inspection of the Petitioner's office, the representative from the City mandated that it occur at that time.

4. The front door to the Petitioner's office was forced open, and the Petitioner was hit in the right temple, with the corner of the door, as one of the representatives of Mid-County Resources, entered his office, in reference to the above.

5. The Petitioner then allowed the representative from the City of Wilkes-Barre and the new purchasers to walk through his law office as they went through the building, and then they left, to inspect the apartments that are on the second and third floor.

6. About a half hour later, a notice was posted on the door of the Petitioner's law office, indicating that the office had to be closed by 5:00 p.m., because of some undisclosed issues, and a copy of the Notice is attached as Exhibit A.

7. Because of the fact that the new purchaser wanted to take possession of the property at the time that he met the Petitioner, referenced above, it is believed that the purchasers had caused the inspector, to mandate the above evacuation.

8. Obviously, in the Petitioner's law office are all of the files representing his clients matters.

9. Normally, the above forced closure does not occur, unless the building is in an unsafe structure condition, representing present immense exposure to risk of harm to the tenants which is not the case in this particular situation.

10. The Petitioner is an attorney, and he has his office on the first floor of the above building, and in his law office are all the files that represent all the matters that he is addressing on behalf of all of his clients, on an ongoing basis.

11. Particularly, the Plaintiff's client base requires a substantial amount of tax work to be accomplished by October 15<sup>th</sup>, 2010, involving over \$5,000,000 in deductions that must be represented on various clients' tax returns.

12. The notice that was posted on the Petitioner's above office door, after apparently the City inspector did an office inspection and indicated, for some reason, that the office required that his be closed by 5:00 p.m. today, and attached as Exhibit A is a copy of that notice.

13. Additionally, the notice indicates that the Petitioner's staff were advised that the new owners would be permitted to change the locks to the building after 5:00, today, precluding anyone from having any future access to the Petitioner's office in the future.

14. Further, the new purchasers indicated that they would be returning the following morning, with the sheriff's office, to begin evacuating all of the contents of the Petitioner's law office, and that the Petitioner and his office staff would be precluded from having any further access to the above property.

15. In the Petitioner's law office, are all of the confidential files of the clients' law practice, over thirty years, all of which will be compromised, if the Plaintiff is not allowed to remove his contents, without interference by representatives of the City or the new purchaser.

16. Additionally, the Petitioner is requesting an opportunity to address whatever maintenance concerns that were raised by the City inspectors office, so that he may be able to retain possession of his law office.

17. The new purchaser, is attempting to act in conjunction with the City inspector, to use the inspection and to force evacuation of the Petitioner's office building, as a guise to take physical possession of his property, without securing a proper order pursuant to an ejectment petition, which is mandatory Pennsylvania procedure when there is a change of ownership of a property, and possession is sought from an occupant of the property.

18. Obviously, if the above is allowed to occur, the Petitioner will no longer be able to provide any ongoing representation for his clients for many weeks, until he makes arrangements to find a new office location, and secure a Court order authorizing him to remove the contents of his law office, including all of his clients with now occupy approximately 2500 square feet, to a new practice location to be able to continue to provide services for clients.

19. Obviously, for the next month to a month and one half, the Petitioner will be unable to provide services for his clients, until he reconstitutes his office, unless the relief requested herein is granted to him.

20. Because of the fact that there is an immense amount of responsibility that the Petitioner has undertaken on behalf of his clients, the above cannot be allowed to occur.

21. There is absolutely no risk to having the Petitioner's office in operation, staffed by his employees, while the Petitioner addresses any of the maintenance matters addressed by the inspection of the above office location, none of which was ever disclosed to the Petitioner or the Petitioner's staff.

22. Also, the above change in possession of the Petitioner's Law Office, cannot occur, without the new purchaser, securing a Court order, pursuant to Pennsylvania procedure, which mandates that a new purchaser must proceed with a complaint in ejectment, and if the alleged sale of the Petitioner's property is proper, that which will be resolved as part of that litigation, the Petitioner will ultimately lawfully surrender his office location.

**WHEREFORE**, the Petitioner based on all the above, requests the following:

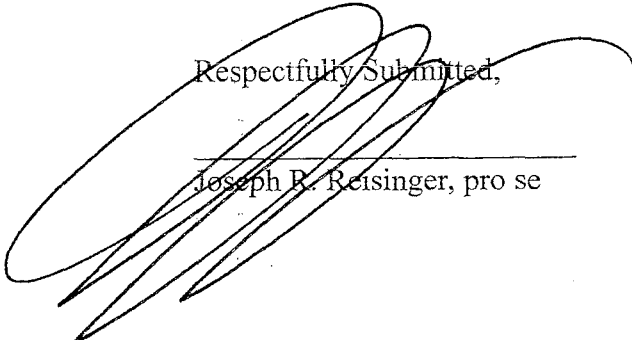
1. That this Court immediately issue an order for a Preliminary Injunction effective immediately, to accomplish the following:
  - a. forbid the City inspection office of the City of Wilkes-Barre, from forcing the closure of the Petitioner's law office, by 5:00 p.m. today; and
  - b. to preclude anyone from Mid-County Resources from having any contact with the Petitioner's office building, which included the Petitioner's office location on the first floor of the building, until a further order of this court, and the above means that precludes the new purchaser from effectuating any of the above threats, to change all of the locks of the Petitioner's office building, and to begin hauling, tomorrow morning, all of the contents of the Petitioner's law office, and otherwise deny the Petitioner access to any of the above.;
2. That this Court order a hearing, related to all of the above Respondents, within 5 days of the date of this order, to determine why the City posted the Petitioner's law office, which is on the first floor of 444-446 South Franklin Street, and to further

determine what plan can be addresses, to that would allow the Petitioner to remain in his office, while he addresses whatever the maintenance concerns of the City are; and

3. That the Respondent, Mid-County Resources be precluded from any access to the Petitioner's property office location in the future, in any way, without securing a court order, pursuant to ejection, authorizing Mid-County Resources, as the alleged new purchasers, to secure access to the Petitioner's office building, and this would include the following:

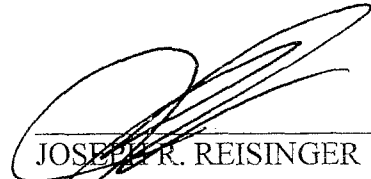
- a. that Mid-County Resources is precluded from changing the locks, or in any other way attempting to remove the contents of the office of the Petitioner; and
- b. that Mid-County Resources is precluded in any way the Petitioner's possession and occupancy of the law office in the first floor of the building.

Respectfully Submitted,

  
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Joseph R. Reisinger, pro se

VERIFICATION

I, Joseph R. Reisinger, the Petitioner in the within Petition for Emergency Injunction, verify that the statements made in the forgoing Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

  
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JOSEPH R. REISINGER  
Dated: 9/14/00

# **EXHIBIT A**



# NOTICE

## This Dwelling Is Unfit For Human Habitation!

The use or occupancy of this dwelling for Human Habitation is prohibited and unlawful after *5pm 9-16-2010*  
442-444 S. Franklin St

By order of the City of Wilkes-Barre, Pennsylvania, Bureau of Housing Inspection.

This dwelling must remain vacant until Wilkes-Barre City Housing Code requirements are met, and approval for re-occupancy is given by the Bureau of Housing Inspection.

This order is under Article 1, Section 108 et seq of the Wilkes-Barre City Housing Code.

Penalty for defacing or removal of this placard can result in a fine of up to \$300.00 or imprisonment of up to 90 days.

Inspector 

Inspector \_\_\_\_\_

Inspector \_\_\_\_\_

Inspector \_\_\_\_\_

Date Posted 9-16-2010