

IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY

JOSEPH R. REISINGER,	:	
	:	
Petitioner	:	
	:	
vs.	:	
	:	
MID-COUNTY RESOURCES, LLC,	:	Case No. 12695-2010
ROBERT KELLER,	:	
GLENN KELLER,	:	
DAVID KELLER, and	:	
PAUL YOUNG	:	
	:	
Respondents	:	
	:	

PETITION FOR SECOND EMERGENCY PRELIMINARY INJUNCTION

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

A. THE PARTIES

1. The Petitioner, Joseph R. Reisinger, is an adult individual who resides at 444 South Franklin Street, Apt. # 1, Wilkes-Barre, Luzerne County, PA.
2. The Respondent, Mid-County Resources LLC (“Mid-County”), is a limited liability company formed in the State of Delaware, and maintains an office in PA located at 1933 State Route 903, Jim Thorpe, Carbon County, PA 18229.
3. The Respondent, Robert Keller (“Keller”), at all times relevant hereto is an owner and employee of Mid-County, and as such has a principal place of business at 1933 State Route 903, Jim Thorpe, Carbon County, PA 18229.

4. The Respondent, Glenn Keller (“G. Keller”), at all times relevant hereto is an owner and employee of Mid-County, and as such has a principal place of business at 1933 State Route 903, Jim Thorpe, Carbon County, PA 18229.

5. The Respondent, David Keller (“D. Keller”), at all times relevant hereto is an owner and employee of Mid-County, and as such has a principal place of business at 1933 State Route 903, Jim Thorpe, Carbon County, PA 18229.

6. The Respondent, Paul Young (“Young”), at all times relevant hereto is an employee of Mid-County, and as such maintains a principal place of business at 1933 State Route 903, Jim Thorpe, Carbon County, PA 18229.

7. Mid-County, Keller, G. Keller, D. Keller and Young shall be referred to herein collectively as the “MC Respondents”.

B. PROCEDURAL HISTORY

8. Emergency Injunction; On September 16, 2010, the Petitioner filed a Petition for an Emergency Preliminary Injunction (the “1st Petition”), and on the same date, Judge Gartley granted the requested injunction (the “Emergency Injunction”).

9. Prayer for Relief; The Prayer for Relief in the above 1st Petition reads as follows:

“**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.; (emphasis added)

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." (emphasis added)

10. Judge Gartley's Order; The Order signed by Judge Gartley states as

follows:

"NOW, this 16 day of September, 2010 upon consideration of the Petition for Emergency Injunction, filed to the above, it is ORDERED and DECREED that the Injunction requested in the Petition is granted as set forth in the Petition for Emergency Injunction filed this day, and a hearing be scheduled within five days of the date of the granting of this Emergency Injunction as to why this Emergency Injunction should not be made permanent.

Hearing on Injunction scheduled for 9/21/10 at 10:00 am at Penn Place before Hon. K. Brown." (emphasis added)

11. Judge Saxton's Order; Pursuant to the above Order, at the time of the hearing related to the Emergency Injunction, this Court presiding, the requested Emergency Injunction was made permanent in regard to Mid-County, and Wilkes-Barre City, a then Respondent, was removed as a party to the above proceedings, based on agreement between the parties, and this Court's Order, related to the above, reads as follows:

“AND NOW, THIS 22 DAY OF SEPTEMBER, 2010, IT IS ORDERED: That respondent Mid-County Resources is precluded from gaining or attempting to gain occupancy of the premises, changing the locks on the premises or attempting, in any way, to remove the contents of petitioner's law offices, without an appropriate order of court;” (emphasis added)

12. Mid-County Only R; Therefore, after the above hearing, the one remaining Respondent is Mid-County, and all of the terms of the Emergency Injunction, as modified by this Court's "9/22/10 Order", remain in full force and effect in regard to Mid-County.

C. PURPOSE OF THIS PETITION

13. Purpose; The purpose of this Petition is to respectfully request that this Court issue a second emergency preliminary injunction to enjoin the Respondents from continuously, now on a daily basis, intentionally violating this Court's 9/22/10 Order as described below. For example, Mid-County is now hauling all cars parked in the Petitioner's Law Office's parking lot, thereby denying access to same (i) by the Petitioner, (ii) by any of the Petitioner's office staff, (iii) by any of the Petitioner's clients, (iv) by any of the Petitioner's tenants, and (v) by any third parties who attempt to

visit his Law Office, obviously creating an extremely humiliating situation, to say the least, for the Petitioner to endure all of the above, because the Law Office parking lot has been used by all of the above continuously since 1990. The above is basically seriously compromising at this point the Petitioner's ability to even continue to conduct his law practice in his Law Office. There have been four prior violations, and a fifth violation has been threatened to occur at any time, and each are discussed in detail below.

D. INTENTIONAL VIOLATIONS OF THIS COURT'S ORDER OF 9/22/2010

I. First Violation

14. 9/22 Order: As stated above, this Court's 9/22/10 Order precluded Mid-County from gaining or attempting to gain occupancy of the premises, changing the locks on the premises, or attempting, in any way, to remove the contents of the Petitioner's "Law Office", without an appropriate order of this Court.

15. Premises: Further, in Black's Law Dictionary, the word "premises" is defined as "land including its appurtenances and structures thereon", and in this case, the "Premises" would be the land at 444-446 South Franklin Street, and the three-story "Building" located thereon, which the Petitioner has his "Law Office" on the entire first floor, and of course, the Law Office's parking lot in the rear of the Building is also obviously on land that constitutes the Premises.

16. Occupancy: Additionally, Black's Law Dictionary defines the word "occupancy", in the above context, as "taking possession of property, and the use of same".

17. 9/22 Notice; However, in spite of this Court's above 9/22/10 Order, during the afternoon of September 22, 2010, incredibly later on the same date that this Court filed its above Order in reference to this case, D. Keller, an owner and an employee of Mid-County, actually appeared at the Building on the Premises, and went into the Building, and then started to serve notices on all the occupants of the Building, and a copy of one of Mid-County's notices, dated 9/22/2010, is attached as Exhibit A, 9/22 Notice.

18. By doing the above, Mid-County was indicating that in spite of the Court's above Order, Mid-County was still in complete control of the Building, and all of the units therein.

19. In fact, he gave the Petitioner a 9/22/10 Notice, indicating that the Petitioner was to send his rent to Mid-County, for his use of the Law Office, and if he failed to do so, they would eject him for failure to do so.

20. Inspection; Then, D. Keller, shortly after making the above deliveries of the 9/22 Notices to all of the occupants of the Building, then made a very visible display to the Petitioner and the Petitioner's office staff that Mid-County was to be perceived by the Petitioner and the Petitioner's office staff as "still being in total control of the Building and the Premises".

21. Exercise Control; For example, he did the above by telling the Petitioner and the Petitioner's office staff that Mid-County would continue to exercise control over the Premises and the Building, and indicated his right to possession by continually walking around the Property, purportedly doing an inspection of the Building from the outside.

22. Front Porch; In fact, at a certain point, D. Keller actually came up onto the front porch of the Petitioner's Law Office portion of the Building, while the Petitioner and his office staff were there, again, clearly demonstrating that he, on behalf of Mid-County, was to be perceived as being in total control of the Building and the Premises.

23. Took Control; In sum, the above 9/22/10 Order precluded Mid-County and its representatives "from gaining or attempting to gain occupancy of the Premises", i.e., to take or attempt to take control of the Premises, and D. Keller violated the above (i) by going on the Premises, and then entering the Building to serve the above 9/22 Notices personally to the tenants that were in the Building, indicating that Mid-County was obviously still in complete control of the Building, (ii) by walking around the Premises to make a very public display that Mid-County was to be perceived as still being very much in control of the Premises and the Building, and (iii) by even coming onto the front porch of the Petitioner's Law Office in a confrontational way to again assert to the Petitioner and all of his office staff that Mid-County was clearly still continuing to exercise total control over the Building and the Premises, including the Law Office, contrary to the above 9/22/10 Order.

II. Second Violation

24. 9/29 Violation; Additionally, on September 29, 2010, two other representatives from Mid-County, Paul Young and a representative from Jeff's Lock and Key, visited the Petitioner's Building, this time to actually go into the second floor apartment in the Building, Apartment #2, which is in the front of the Building, and the only vacant apartment in the Building at the present time, to attempt to change the locks

to Apartment #2, so as to limit access of Apartment #2 to the Petitioner, and then intended to start putting furniture into Apartment #2.

25. Becky and Dawn; Fortunately, the above attempt by the above Mid-County representatives was observed by Becky and Dawn of the Petitioner's Law Office staff, and they went out and confronted the above representatives from Mid-County, advising them that they were then violating this Court's above 9/22/10 Order, and if they persisted in their above actions, they were going to call the Police because they were trespassing.

26. MC Left; Further, after the above exchange, the above representatives of Mid-County abandoned their above improper intentions and left the Premises, and did not return to further harass the Petitioner's office staff that day.

27. Violation; Of course, all of the above actions were an attempt to violate this Court's above Order, because the above representatives had again come on the Premises and had attempted to illegally enter the Building to illegally take control of Apartment #2 on the second floor of the Building located on the Premises, by changing the locks to Apartment #2, and then putting all of their furniture in Apartment #2, thereby taking possession of that apartment.

III. Third Violation

28. Picked Lock; Next, on Saturday, October 2, 2010, D. Keller and an accomplice came to the Premises and this time they were successful in illegally entering the Building; even though the rear door of the Building was locked at that time, they picked the lock to illegally then enter the Building.

29. Dismantled Lock; Thereafter, they then went up the stairs and dismantled the lock on the door that accesses Apartment #2, which as stated above, is the apartment on the second floor facing the front of the Building.

30. Made Noise; Then, after gaining access to Apartment #2, they then started making loud noises, and because of those loud noises coming from Apartment #2, the Petitioner, who was in his Law Office on the first floor of the Building at that time, overheard the commotion.

31. Petitioner's Confrontation; Then, because of all the above noise, the Petitioner went up to investigate what was happening, and discovered D. Keller and his accomplice then actually in Apartment #2, and at that time, D. Keller was pulling up the carpet in one of the rooms in the apartment.

32. The Petitioner asked them what they were doing, and they told the Petitioner that they had complete control of the Building and the only thing that the Petitioner had was his Law Office for now, and that he should shut up and leave them alone.

33. Insults; Further, D. Keller and his accomplice, in the above interchange, were both very insulting of the Petitioner, and continued to belittle him, indicating that clearly they were in total control of the Building, and that the Petitioner was to be dominated by them.

34. No Injuries; The Petitioner was fortunately able to ignore the above insults and therefore did not allow the above illegal activity and all the related insults to provoke a physical confrontation between him and the above representatives, which is what is believed to have been their intention.

35. New Lock; Further, an inspection of the front door of Apartment #2 after D. Keller and his accomplice later left the Building indicated that after the Petitioner left D. Keller and his accomplice in Apartment #2, they then drilled out the old lock that had been in the door of Apartment #2 for the last 20 years.

36. Install New Lock; Further, they drilled holes in the framework surrounding the door to Apartment #2 to now construct a brace to support a new lock that they then installed, so as to now deny the Petitioner any future access to Apartment #2.

37. Visit Tenants; Additionally, D. Keller then went to visit all of the tenants in the Building at that time, being Ron Oley, the tenant in the third floor apartment, Apartment #3, and Matthew Reisinger, who shares Apartment #1, a two-bedroom apartment in the rear of the Building on the second and third floor, with the Petitioner.

38. 10/2 Notices; He then served each of the tenants a “10/2 Notice” that their respective rental units would be vacated by Mid-County after ten days from the date of the 10/2 Notice, if their rent was not paid to Mid-County as stipulated in the 10/2 Notice, and a copy of one of those 10/2 Notices is attached as Exhibit B, 10/2 Notice.

39. Parking Lot Notice; Then, D. Keller, after he threatened the above individuals, then went to the parking lot behind the Petitioner’s Building where his Law Office is, and posted on the windshields of all the cars that were in the Law Office parking lot that Mid-County was going to start hauling all of the cars that were in the Petitioner’s Building’s Law Office’s parking lot starting on Monday morning, October 4, 2010, and a copy of that notice, the “Parking Lot Notice”, is attached hereto as Exhibit C, Parking Lot Notice.

40. In sum, all of the above actions are clearly violative of this Court's 9/22/10 Order.

IV. Fourth Violation

41. 10/3; Next on Sunday, October 3, 2010, the Petitioner and a portion of his office staff were working in the Petitioner's Law Office, and had all of their cars parked in the parking lot behind the Petitioner's Law Office on the Premises.

42. PLN; However, sometime during the afternoon of October 3, 2010, a Parking Lot Notice was then placed on the windshield of each of the cars of the Petitioner's office staff that were then in the Petitioner's parking lot, said notices indicating that starting on Monday morning, October 4, 2010, all cars owned by the Petitioner's office staff that were in the Petitioner's Building's Law Office's parking lot were to be hauled away, and that the expected cost would be approximate \$175 per towed car.

43. Violation; Of course, Mid-County, by virtue of the above, was clearly taking control of the Premises, by mandating that all cars in the parking lot were to be towed away, and therefore, clearly violating this Court's above 9/22/10 Order.

44. No Parking; Further, by virtue of the above action precluding parking in the parking lot of the Petitioner's Law Office, Mid-County is now in the process of actually denying the Petitioner's ability to use his Law Office as a law office, since there is now no place for the staff of the Petitioner's Law Office, or any of his law clients or any of his tenants or third parties that come to visit his Law Office to park.

45. In sum, all of the above violations presently of this Court's above 9/22/10 Order, and the actions that are anticipated by Mid-County's representatives in violation

of this Court's 9/22/10 Order in the future, are the reasons why this Petition is now being filed.

**E. CONSEQUENCES OF ABOVE VIOLATIONS OF
THIS COURT'S ORDER**

46. It is clear, based on all of the above actions by Mid-County, that Mid-County's intentions are to accomplish the following:

a) to deny the Petitioner the functional capacity to use his Law Office to conduct his law practice;

b) to continue to seek future opportunities for potential physical confrontation with the Petitioner, because of their ongoing series of insults and attempts to demean and humiliate the Petitioner before his office staff and all of his clients, i.e., for example, denying him and his office staff and his clients the right to park in the Petitioner's Law Office's parking lot. See in part F, Risks Related to Any Future Injuries, which sets forth the current medical assessment of the Petitioner's medical condition, and the fact that he suffered a very severe concussion in 2009, and as a consequence, the current medical assessment is that he can tolerate no additional risks of any future injuries.

c) to conduct a terror campaign to create emotional distress on the part of all of the Petitioner's office staff in hopes of putting all that pressure on those innocent persons in an attempt to cause the Petitioner to compromise his legal rights; and

d) to trample all of the civil rights of Ron Oley and Matt Reisinger, the tenants in the Building; they have an unquestioned right to peaceful possession of their respective apartments, pursuant to valid leases with the Petitioner, and therefore all

of the above threats by Mid-County are clearly violative of all of their respective common law rights.

F. RISKS RELATED TO ANY FUTURE INJURIES:

47. Further, because of (i) the above physical confrontation previously on September 16, 2010 between the Petitioner and a representative of Mid-County, and the Petitioner's head injuries resulting therefrom, (ii) the above confrontation with the Petitioner's office staff on September 29, 2010 with certain representatives from Mid-County, followed by (iii) the above confrontation that the Petitioner had with D. Keller and his accomplice on October 2, 2010, it is respectfully requested that under no circumstances, during the remaining period of this Court's Injunction, should there be any risk of any additional physical harm to the Petitioner or the Petitioner's office staff.

48. The above is because, as context, it is important for this Court to realize that the Petitioner had suffered in April of 2009 a very serious concussion, when he was admitted by ambulance to the Geisinger Hospital, unconscious, and remained in that condition for over 38 hours, with over a three-month recovery period thereafter.

49. Therefore, based on the Petitioner's attending physician's assessment of his medical condition at this time, he has absolutely no medical tolerance for any additional future head injuries from possible future physical confrontations with the Mid-County Respondents, which confrontations they are trying to provoke on all occasions when they are in the company of the Petitioner.

50. The above serious injury was obviously aggravated by the representatives of Mid-County slamming the front door of the Petitioner's Law Office into his forehead

on September 16, 2010 and creating a substantial contusion, and related bleeding, etc., the consequences of which are now being experienced by the Petitioner.

51. In sum, because of the fact that the Petitioner was physically beaten by representatives of Mid-County at the time they did the inspection on September 16, 2010 of the Building, and have been continuously “baiting him” on every occasion since, it is respectfully submitted that it is to the best interests of all concerned to take all steps to minimize any future physical contact between the parties, because of the obvious hostility that the representatives of Mid-County have towards the Petitioner, until all of the litigation related to the above Properties is resolved between them.

52. The constant barrage of insults and harassment is because of the fact that the Petitioner is an attorney, and therefore, they know it is impossible for him to “go into the sewer” after them, and they very much thrive on embarrassing him before his staff and his clients.

WHEREFORE, because of all of the above, the Petitioner is respectfully requesting that this Court provide the following:

- (i) grant a second emergency preliminary injunction barring any representative from Mid-County from having any future contact with the Petitioner’s Premises, or anyone on the Petitioner’s Premises, located 444-446 South Franklin Street, Wilkes-Barre, PA;
- (ii) forbid Mid-County or any of its representatives from having any of the vehicles of the Petitioner or the Petitioner’s office staff or his clients, etc. hauled from the Law Office parking lot that is located on the Petitioner’s Premises;

(iii) forbid Mid-County or any of its representatives from trespassing on the Petitioner's Premises, without this Court's prior written approval;

(iv) require Mid-County to post a bond of \$25,000, to ensure that there is a substantial penalty if Mid-County or any of its representatives intentionally violate in the future this Court's Order related to the above; and

(v) provide whatever other relief this Court deems to be appropriate pursuant to the facts and circumstances of this case, in light of the egregiousness of all of the above violations of this Court's 9/22/10 Order.

Respectfully Submitted,

Joseph R. Reisinger, *pro se*