

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

JOSEPH R. REISINGER,

Plaintiff

vs.

CITY OF WILKES-BARRE, THOMAS
LEIGHTON, FRANCIS KRATZ,
MICHAEL SIMONSON, TED KROSS,
JOSEPH RODANO and EDWARD
PESOTSKI,

Defendants

CIVIL ACTION – LAW

(JUDGE CONABOY)

JURY TRIAL DEMANDED

NO. 3:09-cv-0210

Consolidated with 3:10-CV-2007; 3:10-
CV-2111 and 3:10-CV-2005

**MOTION FOR ENLARGEMENT OF TIME TO RESPOND, MOVE,
OR OTHERWISE PLEAD TO PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, the above-captioned Defendants, by and through their attorneys, Rosenn, Jenkins & Greenwald, LLP, move this Honorable Court for a thirty (30) day enlargement of time until November 29, 2010 to respond, move, or otherwise plead to the Plaintiff's Amended Complaint, and, in support thereof, aver as follows:

1. On September 2, 2010, the Plaintiff, Joseph R. Reisinger ("Plaintiff") commenced this civil action pursuant to 42 U.S.C. § 1983 against the above-named Defendants by the filing of a Complaint in the Luzerne County Court of Common Pleas.

2. On September 30, 2010, the Plaintiff filed an Amended Complaint.

3. The Defendants were not served with a copy of the Complaint.

4. The Defendants were served with a copy of the Amended Complaint on October 8, 2010.

5. Defendants filed a Notice of Removal to move the current action to this Court on October 13, 2010.

6. By Order dated October 22, 2010, this Court consolidated this case along with two (2) other cases filed by Plaintiff into Civil Action No. 3:09-CV-210.

7. Pursuant to Rule 81 of the Federal Rule of Civil Procedure, a response to the Amended Complaint must be filed either twenty-one (21) days after being served with the Amended Complaint or seven (7) days after the Notice of Removal is filed, whichever is longer. See Fed. R.C.P. 81(c)(2).

8. According to the Defendants' calculation, a response to the Amended Complaint is due by October 29, 2010. See Fed. R.C.P. 81(c)(2)(A).

9. The Plaintiff's Amended Complaint is twenty-three (23) pages and contains ninety-three (93) allegations.

10. Accordingly, due to other legal obligations, the undersigned needs additional time to meet with all the Defendants, to become familiar with the

background of this matter, and to prepare an appropriate response to the Plaintiff's Amended Complaint.

11. Therefore, the Defendants respectfully request an additional thirty (30) days until November 29, 2010 to respond, move or otherwise plead to the Plaintiff's Amended Complaint.

12. The pro se Plaintiff, Joseph Reisinger, does not concur in this Motion.

13. This request is made in good faith and not for the purposes of delay.

WHEREFORE, the Defendants respectfully request an enlargement of time through and including November 29, 2010 within which to respond to Plaintiff's Amended Complaint.

Respectfully submitted,

ROSENN, JENKINS & GREENWALD, LLP

By: /S/ DONALD H. BROBST, ESQUIRE
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Ted Kross, Joseph Rodano and Edward
Pesotski

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CERTIFICATE OF SERVICE

DONALD H. BROBST, ESQUIRE, hereby certifies that on the 26th day of
October, 2010, he caused to be served a true and correct copy of the MOTION
FOR ENLARGEMENT OF TIME, by electronic mail to:

Joseph R. Reisinger, Esquire
444 South Franklin Street
Wilkes-Barre, PA 18702

/S/ DONALD H. BROBST, ESQUIRE
DONALD H. BROBST, ESQUIRE