

LAW OFFICES OF  
**PHILIP J. BERG**

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NORMAN B. BERG, Paralegal [Deceased]

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December 3, 2010

Honorable John E. Jones, III  
U.S. District Court, Middle District of Pennsylvania  
Harrisburg Division - U.S. Courthouse  
228 Walnut Street. P.O. Box 983  
Harrisburg, Pennsylvania 17108

**By ECF.....Total = 7 Pages**

Re: *Shecktor, et al v. Wal-mart Stores, Inc., et al,*  
Case No. 4:09-cv-1570

Dear Judge Jones:

This letter is a request to extend my dates for my experts based on facts set forth below. Opposing counsel, J. Michael Kunsch, Esquire, indicated he would be in agreement provided that Your Honor issues another Scheduling Order extending all dates.

If Your Honor desires a telephone conference call, **Mr. Kunsch [(215) 963-2481]** and I [cell **(610) 662-3005]** are available after 1:00 p.m. today.

By letter dated March 11, 2010 [**copy enclosed**], I gave Mr. Kunsch a detailed account of my medical problems. Thereafter, a request for an extension of time was requested and granted.

I have also **attached a copy** of my letter dated November 30, 2010 to opposing counsel indicating my medical problem, my Mom's medical problems, as well as discovery problems.

My letter of November 30<sup>th</sup> indicated:

Because of additional medical problems, I have **not** had my needed surgery yet.

Additionally, my 93-year-old mother, Rebecca Berg Nissenbaum, has had blood/iron problems that have resulted in transfusions and hospitalizations, the last being several weeks ago, for which I took her. Prior to two [2] years ago, my late brother Norman who resided with my mother, took my mother to most of her treatments; now it is up to me.

Honorable John E. Jones, III  
U.S. District Court, Middle District of Pennsylvania  
Page Two

December 3, 2010

There are two [2] pending Motions of Mr. Kunsch that I am requesting be withdrawn **subject to Your Honor granting my request for a new Scheduling Order.**

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink that reads "Philip J. Berg". The signature is fluid and cursive, with a long horizontal stroke at the end.

PHILIP J. BERG

PJB:jb

cc: J. Michael Kunsch, Esquire  
By Fax (215) 557-0999

Andrew Shecktor

**EXHIBIT "1"**

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NORMAN B. BERG, Paralegal [Deceased]

March 11, 2010

J. Michael Kunsch, Esquire  
**SWEENEY & SHEEHAN**  
1515 Market Street, Suite 1900  
Philadelphia, PA 19102-1983 **By Fax (215) 557-0999.....Total = 1 Page**

Re: Shecktor vs. Louisville Ladder, Inc., et al  
Your File No. LLG-1109

Dear Mr. Kunsch:

This letter will confirm my telephone conversation with you that I had and still have extensive medical problems that have delayed my providing responses to discovery in this case and other cases.

My medical includes ongoing testing as a result of my medical complications. I underwent Ultra Sound and CAT Scan and other testing for diagnostics. On October 26, 2009, I was sent for some immediate cardiac tests as my EKG came back abnormal. It was found that I had complications with one of my heart valves. In addition two (2) tumor type lumps were located in my abdomen area, which have been causing me severe pain requiring daily pain medication. I was hospitalized on October 28, 2009 having further testing performed. I had further cardiac testing as well as further testing for the tumor type lumps located in my abdomen that requires surgery, but cannot be performed until I receive clearance from my cardiologist. I also had a Colonoscopy, an Echo-Cardiogram and a Nuclear Treadmill Stress Test on January 6, 2010. In mid-February, I received clearance for surgery from my cardiologist and I am now waiting for a date for surgery.

Accordingly, I hereby agree to a sixty [60] day extension that you will be requesting, subject of course to the agreement of the Judge.

Thank you.

Respectfully,



PHILIP J. BERG

PJB:jb

cc: Andrew Shecktor

**EXHIBIT "2"**

LAW OFFICES OF  
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NORMAN B. BERG, Paralegal [Deceased]

November 30, 2010

J. Michael Kunsch, Esquire  
**SWEENEY & SHEEHAN**  
1515 Market Street, Suite 1900  
Philadelphia, PA 19102-1983

**By Fax (215) 557-0999.....Total = 2 Pages**

Re: Shecktor vs. Louisville Ladder, Inc., et al  
Your File No. LLG-1109

Dear Mr. Kunsch:

Here I go again requesting your cooperation that you have graciously granted in the past.

My problem is not keeping you completely up-to-date on my life.

By letter dated March 11, 2010, I gave you a detailed account of my medical problems. Because of additional medical problems, I have **not** had my needed surgery yet.

Additionally, my 93-year-old mother, Rebecca Berg Nissenbaum, has had blood/iron problems that have resulted in transfusions and hospitalizations, the last being several weeks ago.

**Status of case:**

My experts – I am behind. Our ladder expert is now in Afghanistan, without a report to submit. Therefore, I have been seeking a new expert. Additionally, I have had a scheduling problem with our economic expert.

The Diaries and other documents requested by you from my client have been in my office for months, but my part-time secretary, no longer with me, did **not** forward them to you.

I see that you filed a Motion against me for lack of my experts, as well as a request for additional time for your experts.

J. Michael Kunsch, Esquire  
**SWEENEY & SHEEHAN**  
Page Two

November 30, 2010

**Request:** I need a two [2] month extension for my experts and I do not plan to object to your request for additional time, that should be extended to two [2] months after you receive my expert reports. Therefore, if possible, I would appreciate your withdrawing your Motions and that we file a Joint Request.

I will call you tomorrow, but I wanted you to have my letter prior thereto.

Thank you in advance for your expected cooperation, as you have done throughout this case.

Respectfully,

A handwritten signature in blue ink that reads "Philip J. Berg". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Philip J. Berg

PJB:jb

cc: Andrew Shecktor