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

ANDREW M. SHECKTOR and :
JEAN B. MARSHAMAN, :
: CIVIL ACTION NUMBER:
Plaintiffs, :
vs. :
: **No. 4:09-cv-01570-JEJ**
LOUISVILLE LADDER, INC., :
: :
Defendant. :
:

**JOINT UNCONTESTED MOTION FOR EXTENSION OF THE TRIAL
DATE and DATES ASSOCIATED THERETO**

AND NOW, this 2nd day of November, 2011, on behalf of all parties, Plaintiffs, Andrew M. Shecktor and Jean B. Marshman [hereinafter at times “Plaintiffs”] hereby submit this Joint Uncontested Motion for an Extension of the Trial date and other dates associated thereto. In support hereof, Plaintiffs aver as follows:

1. Plaintiffs initiated this lawsuit by filing a Writ of Summons in the Court of Common Pleas of Montgomery County, Pennsylvania on July 16, 2008.

2. Plaintiffs filed their Complaint in the Court of Common Pleas of Montgomery County, Pennsylvania on January 12, 2009.

3. Defendants timely removed this matter to the United States District Court for the Eastern District of Pennsylvania on February 3, 2009.

4. Defendants moved to transfer the underlying case to the United States District Court, Middle District of Pennsylvania, which was granted by Judge Juan R. Sanchez on June 9, 2009.

5. The United States District Court, Middle District of Pennsylvania docketed this case on or about August 14, 2009.

6. This Court entered a Scheduling Order on November 30, 2009; the Court placed the case on the October 2010 trial list. *See* **EXHIBIT “A”** attached hereto and incorporated in by reference.

7. On March 10, 2011, Defense filed an Unopposed Motion for an Extension of time to complete discovery, which was approved by this Court on March 10, 2011. As a result thereto, a new Scheduling Order was entered. *See* **EXHIBIT “B”** attached hereto and incorporated in by reference. This case was placed on the January, 2012 trial list.

8. At the time the parties submitted their Joint Case Management Plan on November 23, 2009, and the March 10, 2011 Order of this Court continuing all dates, the parties reasonably believed the parties and case would be ready for trial on the dates designated.

9. However, Plaintiffs' counsel, Philip J. Berg, Esquire has had unexpected serious medical complications, which have required testing, hospitalization, and repeated medical appointments.

10. As a result, Mr. Berg has been placed on heavy pain medications; he has difficulty walking; difficulty going up or down stairs; and is suffering cardiac complications.

11. Mr. Berg has been informed by his medical professionals that he might require surgery for disc herniation's in his back. But, until his cardiac complications are resolved, Mr. Berg's surgeon cannot make other decisions.

12. Mr. Berg is hoping to have clearance from his cardiologist so that he can meet with his surgeon within the next ninety [90] days, after all cardiac testing and procedures are completed. Mr. Berg has been informed that he has a valve issue with his heart, which also may require surgical intervention.

13. Mr. Berg's medical professionals have informed Mr. Berg that they will not be able to give a detailed schedule for full time work for four [4] months.

14. In light of the unexpected and continuing health issues Mr. Berg is suffering, which have prevented the parties from moving forward with this case, and due to the uncertain dates for Mr. Berg to schedule medical procedures that may be required, the parties submit that good cause exists to continue the trial date and place this case in the June, 2012 trial list.

WHEREFORE, for good cause shown, the parties jointly request this Honorable Court to enter an Order in the form attached, granting the within Motion for a continuance of the trial date set on the January, 2012 trial list, and place this case on the June, 2012 trial list. A proposed Scheduling Order is filed concurrently herewith.

Respectfully submitted,

Dated: November 2, 2011

/s/ Philip J. Berg
Philip J. Berg, Esquire
Attorney for the Plaintiffs

VERIFICATION OF PHILIP J. BERG, ESQUIRE

I, PHILIP J. BERG, ESQUIRE, hereby state that I am the attorney for the Plaintiffs in this action and verify that the statements made in the foregoing Joint Unopposed Motion for an Extension of the Trial Date are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: November 2, 2011

/s/ Philip J. Berg
PHILIP J. BERG, ESQUIRE