

CLOSED, **STANDARD**

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:10-cv-00625-TON**

THE PENN MUTUAL LIFE INSURANCE COMPANY v. BNC NATIONAL BANK et al  
Assigned to: HONORABLE THOMAS N. ONEILL,  
JR  
Cause: 28:1441 Notice of Removal- Insurance Contract

Date Filed: 02/16/2010  
Date Terminated: 02/24/2011  
Jury Demand: None  
Nature of Suit: 110 Contract:  
Insurance  
Jurisdiction: Diversity

**Plaintiff**

**THE PENN MUTUAL LIFE  
INSURANCE COMPANY**

represented by **ELIZABETH L. MCLACHLAN**  
DRINKER BIDDLE & REATH  
LLP  
ONE LOGAN SQUARE STE  
2000  
18TH & CHERRY STREETS  
PHILADELPHIA, PA 19103  
215-988-2528  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**STEPHEN C. BAKER**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**BNC NATIONAL BANK**  
*AS TRUSTEE OF THE GERALD  
CARNAGO 2007 IRREVOCABLE  
TRUST*

represented by **JOHN D. MAIDA**  
JOHN D. MAIDA ASSOCIATES  
1000 GERMANTOWN PIKE  
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PLYMOUTH MEETING, PA  
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Fax: 610-277-6418  
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**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*

**HARVEY R. WEINGARDEN**  
COHEN LERNER RABINOVITZ  
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**PRO HAC VICE**

*ATTORNEY TO BE NOTICED*

**Defendant**

**GERALD CARNAGO**

represented by **JOHN D. MAIDA**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**HARVEY R. WEINGARDEN**

(See above for address)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**STEVEN Z. COHEN**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**STEPHEN D. SCHUTTE**

represented by **JOHN D. MAIDA**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**HARVEY R. WEINGARDEN**

(See above for address)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**STEVEN Z. COHEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**STEPHEN D. SCHUTTE**

represented by **JOHN D. MAIDA**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**HARVEY R. WEINGARDEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

**STEVEN Z. COHEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

**ThirdParty Plaintiff**

**GERALD CARNAGO**

represented by **JOHN D. MAIDA**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**HARVEY R. WEINGARDEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

**STEVEN Z. COHEN**

(See above for address)

*ATTORNEY TO BE NOTICED*

V.

**ThirdParty Defendant**

**VISIONARY MARKETING  
GROUP, INC.**

**ThirdParty Defendant****TED BERNSTEIN****ThirdParty Defendant****CFC DELAWARE II, LLC****ThirdParty Defendant****CFC COLLATERAL  
HOLDINGS, LLC****ThirdParty Defendant****CAMBRIDGE FINANCING  
COMPANY****ThirdParty Defendant****GLOBAL SECURED CAPITAL,  
LLC****ThirdParty Defendant****GSCF LOAN TRUST****ThirdParty Defendant****PREMIUM FINANCE  
COLLATERAL TRUST**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/16/2010	<a href="#">1</a>	NOTICE OF REMOVAL by BNC NATIONAL BANK, GERALD CARNAGO, STEPHEN D. SCHUTTE from Montgomery County, case number 2009-34213 and Certificate of Service. (Filing fee \$ 350 receipt number PPE017670) (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Joinder, # <a href="#">3</a> Case Management Track, # <a href="#">4</a> Civil Cover Sheet, # <a href="#">5</a> Designation Form)(cw, ) (Entered: 02/16/2010)
02/16/2010	<a href="#">2</a>	Disclosure Statement Form pursuant to FRCP 7.1 including BNCCORP, INC. by BNC NATIONAL BANK.(cw, ) (Entered:

		02/16/2010)
03/01/2010	<a href="#">3</a>	Original Record together with certified copy of docket entries received from Court of Common Pleas of Montgomery County. (kw, ) (Entered: 03/01/2010)
03/02/2010	<a href="#">4</a>	AFFIDAVIT of Service by Robert K. Andrees re: served Complaint upon Shephen D. Schutte by Personal Service on 2/7/2010 (VILLANUEVA, KATHERINE) (Entered: 03/02/2010)
03/02/2010	<a href="#">5</a>	AFFIDAVIT of Service by Shelli Feinberg re: served Complaint upon Gerald Carnago by Personal Service on 2/15/2010 (VILLANUEVA, KATHERINE) (Entered: 03/02/2010)
03/08/2010	<a href="#">6</a>	APPLICATION FOR PRO HAC VICE ADMISSION OF HARVEY R. WEINGARDEN BY GERALD CARNAGO, STEPHEN D. SCHUTTE (STATEMENT, CERTIFICATE OF SERVICE, RECEIPT NUMBER: PPE018667, \$40.00) (ems) (Entered: 03/09/2010)
03/09/2010	<a href="#">7</a>	ORDER THAT APPLICATION OF HARVEY R. WEINGARDEN, ESQ., TO PRACTICE IN THIS COURT PURSUANT TO L.R.C.P. 83.5.2(b) IS GRANTED. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 3/9/10. 3/10/10 ENTERED AND COPIES MAILED AND E-MAILED.(kw, ) (Entered: 03/10/2010)
03/15/2010	<a href="#">8</a>	APPLICATION for admission of STEVEN Z. COHEN, ESQ. to appear pro hac vice, Statement, Certificate of Service, filed by DEFTS GERALD CARNAGO, STEPHEN D. SCHUTTE. (filing fee paid on 3/12/10) (kw, ) (Entered: 03/15/2010)
03/16/2010	<a href="#">9</a>	MOTION to Dismiss filed by GERALD CARNAGO, STEPHEN D. SCHUTTE.Motion to Dismiss or for Change of Venue, Brief. (Attachments: # <a href="#">1</a> Appendix Index of Exhibits, # <a href="#">2</a> Exhibit 1 - Complaint, # <a href="#">3</a> Exhibit 2 - Carnago Application for Life Insurance, # <a href="#">4</a> Exhibit 3 - Affidavit of Stephen Schutte, # <a href="#">5</a> Exhibit 4 - Affidavit of Gerald Carnago)(WEINGARDEN, HARVEY) (Entered: 03/16/2010)
03/16/2010	<a href="#">10</a>	ORDER THAT APPLICATION OF STEVEN Z. COHEN, ESQ., TO PRACTICE IN THIS COURT PURSUANT TO L.R.C.P.

		83.5.2(b) IS GRANTED. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 3/16/10. 3/16/10 ENTERED AND COPIES MAILED AND E-MAILED.(kw, ) (Entered: 03/16/2010)
03/25/2010	<a href="#">11</a>	NOTICE of Appearance by STEPHEN C. BAKER on behalf of THE PENN MUTUAL LIFE INSURANCE COMPANY with Affidavit of Service(BAKER, STEPHEN) (Entered: 03/25/2010)
03/26/2010	<a href="#">12</a>	STIPULATION AND ORDER THE TIME WITHIN WHICH PLFF SHALL RESPOND TO DEFTS' MOTION TO DISMISS IS EXTENDED FROM 3/30/2010, UP TO & INCLUDING 4/20/2010. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 3/26/10. 3/26/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 03/26/2010)
04/26/2010	<a href="#">13</a>	STIPULATION AND ORDER THAT THE TIME WITHIN WHICH PLFF SHALL RESPOND TO DEFTS' MOTION TO DISMISS IS EXTENDED FROM 4/20/10 UP TO & INCLUDING 5/4/2010. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 4/26/10. 4/27/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 04/27/2010)
05/04/2010	<a href="#">14</a>	Memorandum of Law in Opposition to Motion re <a href="#">9</a> MOTION to Dismiss filed by THE PENN MUTUAL LIFE INSURANCE COMPANY, Certificate of service. (Attachments: # <a href="#">1</a> Affidavit Affidavit in Support of Response) (BAKER, STEPHEN) Modified on 5/5/2010 (nd). (Entered: 05/04/2010)
05/05/2010	<a href="#">15</a>	AFFIDAVIT in Opposition re <a href="#">9</a> MOTION to Dismiss filed by THE PENN MUTUAL LIFE INSURANCE COMPANY. (Attachments: # <a href="#">1</a> Affidavit)(BAKER, STEPHEN) (Entered: 05/05/2010)
05/12/2010	<a href="#">16</a>	Disclosure Statement Form pursuant to FRCP 7.1 with Certificate of Service by THE PENN MUTUAL LIFE INSURANCE COMPANY. (Attachments: # <a href="#">1</a> Affidavit Certificate of Service)(BAKER, STEPHEN) (Entered: 05/12/2010)
09/02/2010	<a href="#">17</a>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 9/2/10. 9/2/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 09/02/2010)

09/02/2010	<a href="#">18</a>	ORDER THAT DEFTS' MOTION TO DISMISS IS DENIED. IT IS FURTHER ORDERED THAT PARTIES SUBMIT AN AGREED UPON DISCOVERY SCHEDULE WITHIN 14 DAYS OF THE DATE OF THIS ORDER. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 9/2/10. 9/2/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 09/02/2010)
09/09/2010	<a href="#">19</a>	<i>DEFENDANT'S ANSWER</i> to Complaint together with NO by GERALD CARNAGO.(MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	<a href="#">20</a>	Affirmative Defenses by GERALD CARNAGO. (MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	<a href="#">21</a>	<i>DEFENDANT ANSWER</i> to Complaint by STEPHEN D. SCHUTTE.(MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	<a href="#">22</a>	Affirmative Defenses by STEPHEN D. SCHUTTE. (MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	<a href="#">23</a>	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE (MAIDA, JOHN) (Entered: 09/09/2010)
09/16/2010	<a href="#">24</a>	JOINT PROPOSED DISCOVERY SCHEDULE by THE PENN MUTUAL LIFE INSURANCE COMPANY. (VILLANUEVA, KATHERINE) (Entered: 09/16/2010)
09/16/2010	<a href="#">25</a>	ORDER THAT DEADLINE FOR INITIAL DISCLOSURES PURSUANT TO F.R.C.P. 26(a)(1) IS 9/30/2010. DISCOVERY DUE BY 12/30/2010. DISPOSITIVE MOTIONS DUE BY 10/13/2011, ETC. SIGNED BY HONORABLE THOMAS N. ONEILL, JR ON 9/16/10. 9/17/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 09/17/2010)
09/21/2010	<a href="#">26</a>	<i>DEFENDANT CARNAGO TRUST'S ANSWER</i> to Complaint by BNC NATIONAL BANK.(MAIDA, JOHN) (Entered: 09/21/2010)
09/21/2010	<a href="#">27</a>	Affirmative Defenses <i>DEFENDANT CARNAGO TRUST'S</i> by BNC NATIONAL BANK. (MAIDA, JOHN) (Entered: 09/21/2010)
09/23/2010	<a href="#">28</a>	CERTIFICATE OF SERVICE by BNC NATIONAL BANK re <a href="#">27</a> Affirmative Defenses, <a href="#">26</a> Answer to Complaint (MAIDA, JOHN)

		(Entered: 09/23/2010)
09/29/2010	<a href="#">29</a>	Disclosure Statement Form pursuant to FRCP 7.1 with CERTIFICATE OF SERVICE by BNC NATIONAL BANK. (Attachments: # <a href="#">1</a> Exhibit)(dp, ) (Entered: 09/29/2010)
10/01/2010	<a href="#">30</a>	NOTICE by GERALD CARNAGO <i>Initial Disclosure Under Rule 26</i> (MAIDA, JOHN) (Entered: 10/01/2010)
10/04/2010	<a href="#">31</a>	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE <i>GERALRD CARNAGO TRUTS</i> (MAIDA, JOHN) (Entered: 10/04/2010)
12/08/2010	<a href="#">32</a>	MOTION for Leave to File <i>Third Party Complaint</i> filed by GERALD CARNAGO, STEPHEN D. SCHUTTE.no. (Attachments: # <a href="#">1</a> Exhibit)(MAIDA, JOHN) (Entered: 12/08/2010)
12/09/2010	<a href="#">33</a>	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE re <a href="#">32</a> MOTION for Leave to File <i>Third Party Complaint</i> (MAIDA, JOHN) (Entered: 12/09/2010)
12/10/2010	<a href="#">34</a>	STIPULATION AND ORDER THAT DEFTS GERALD CARNAGO & STEPHEN D. SCHUTTE'S MOTION FOR LEAVE TO FILE THIRD PARTY COMPLAINT BE GRANTED. SIGNED BY HONORABLE THOMAS N. O'NEILL, JR ON 12/10/10.12/13/10 ENTERED AND COPIES E-MAILED.(kw, ) (Entered: 12/13/2010)
12/10/2010	<a href="#">35</a>	THIRD PARTY COMPLAINT against VISIONARY MARKETING GROUP, INC., TED BERNSTEIN, CFC DELAWARE II, LLC, CFC COLLATERAL HOLDINGS, LLC, CAMBRIDGE FINANCING COMPANY, GLOBAL SECURED CAPITAL, LLC, GSCF LOAN TRUST, PREMIUM FINANCE COLLATERAL TRUST, Certificate of Service, filed by DEFTS STEPHEN D. SCHUTTE, GERALD CARNAGO.(kw, ) (Entered: 12/13/2010)
12/10/2010		Third-Party Summons Issued as to TED BERNSTEIN, CAMBRIDGE FINANCING COMPANY, CFC COLLATERAL HOLDINGS, LLC, CFC DELAWARE II, LLC, GLOBAL SECURED CAPITAL, LLC, GSCF LOAN TRUST, PREMIUM FINANCE

		COLLATERAL TRUST, VISIONARY MARKETING GROUP, INC. Forwarded To: counsel on 12/13/10. (kw, ) (Entered: 12/13/2010)
02/24/2011	<a href="#"><u>36</u></a>	STIPULATION of Dismissal by THE PENN MUTUAL LIFE INSURANCE COMPANY. (VILLANUEVA, KATHERINE) (Entered: 02/24/2011)

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