

**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. O'NEILL, 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
18TH & CHERRY STREETS
PHILADELPHIA, PA 19103
215-988-2528
Email: elizabeth.mclachlan@dbr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KATHERINE L. VILLANUEVA
DRINKER BIDDLE & REATH LLP
18th & CHERRY STS.
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
215-988-2535
Email: katherine.villanueva@dbr.com
ATTORNEY TO BE NOTICED

STEPHEN C. BAKER
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQ
18TH & CHERRY STS
PHILA, PA 19103
215-988-2700

Email: stephen.baker@dbr.com

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
B-8
PLYMOUTH MEETING, PA 19462
610-277-6300
Fax: 610-277-6418
Email: jdm100@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

HARVEY R. WEINGARDEN
COHEN LERNER RABINOVITZ PC
26862 WOODWARD AVE STE 200
ROYAL OAK, MI 48067
248-691-2200
Email: harvey.weingarden@clrlaw.com
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)
ATTORNEY TO BE NOTICED

STEVEN Z. COHEN
COHEN LERNER RABINOVITZ PC
26862 WOODWARD AVE STE 200
ROYAL OAK, MI 48067
248-691-2200

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)
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

Date Filed	#	Docket Text
02/16/2010	1	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: # 1 Certificate of Service, # 2 Joinder, # 3 Case Management Track, # 4 Civil Cover Sheet, # 5 Designation Form)(cw,) (Entered: 02/16/2010)
02/16/2010	2	Disclosure Statement Form pursuant to FRCP 7.1 including BNCCORP, INC. by BNC NATIONAL BANK.(cw,) (Entered:

		02/16/2010)
03/01/2010	3	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	4	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	5	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	6	APPLICATION FOR PRO HAC VICE ADMISSION OF HAREVY 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	7	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	8	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	9	MOTION to Dismiss filed by GERALD CARNAGO, STEPHEN D. SCHUTTE.Motion to Dismiss or for Change of Venue, Brief. (Attachments: # 1 Appendix Index of Exhibits, # 2 Exhibit 1 - Complaint, # 3 Exhibit 2 - Carnago Application for Life Insurance, # 4 Exhibit 3 - Affidavit of Stephen Schutte, # 5 Exhibit 4 - Affidavit of Gerald Carnago)(WEINGARDEN, HARVEY) (Entered: 03/16/2010)
03/16/2010	10	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	11	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	12	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	13	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	14	Memorandum of Law in Opposition to Motion re 9 MOTION to Dismiss filed by THE PENN MUTUAL LIFE INSURANCE COMPANY, Certificate of service. (Attachments: # 1 Affidavit Affidavit in Support of Response) (BAKER, STEPHEN) Modified on 5/5/2010 (nd). (Entered: 05/04/2010)

05/05/2010	15	AFFIDAVIT in Opposition re 9 MOTION to Dismiss filed by THE PENN MUTUAL LIFE INSURANCE COMPANY. (Attachments: # 1 Affidavit)(BAKER, STEPHEN) (Entered: 05/05/2010)
05/12/2010	16	Disclosure Statement Form pursuant to FRCP 7.1 with Certificate of Service by THE PENN MUTUAL LIFE INSURANCE COMPANY. (Attachments: # 1 Affidavit Certificate of Service)(BAKER, STEPHEN) (Entered: 05/12/2010)
09/02/2010	17	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	18	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	19	<i>DEFENDANT'S ANSWER</i> to Complaint together with NO by GERALD CARNAGO.(MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	20	Affirmative Defenses by GERALD CARNAGO. (MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	21	<i>DEFENDANT ANSWER</i> to Complaint by STEPHEN D. SCHUTTE.(MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	22	Affirmative Defenses by STEPHEN D. SCHUTTE. (MAIDA, JOHN) (Entered: 09/09/2010)
09/09/2010	23	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE (MAIDA, JOHN) (Entered: 09/09/2010)
09/16/2010	24	JOINT PROPOSED DISCOVERY SCHEDULE by THE PENN MUTUAL LIFE INSURANCE COMPANY. (VILLANUEVA, KATHERINE) (Entered: 09/16/2010)
09/16/2010	25	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	26	<i>DEFENDANT CARNAGO TRUST'S ANSWER</i> to Complaint by BNC NATIONAL BANK.(MAIDA, JOHN) (Entered: 09/21/2010)
09/21/2010	27	Affirmative Defenses <i>DEFENDANT CARNAGO TRUST'S</i> by BNC NATIONAL BANK. (MAIDA, JOHN) (Entered: 09/21/2010)
09/23/2010	28	CERTIFICATE OF SERVICE by BNC NATIONAL BANK re 27 Affirmative Defenses, 26 Answer to Complaint (MAIDA, JOHN) (Entered: 09/23/2010)
09/29/2010	29	Disclosure Statement Form pursuant to FRCP 7.1 with CERTIFICATE OF SERVICE by BNC NATIONAL BANK. (Attachments: # 1 Exhibit)(dp,) (Entered: 09/29/2010)
10/01/2010	30	NOTICE by GERALD CARNAGO <i>Initial Disclosure Under Rule 26</i> (MAIDA, JOHN) (Entered: 10/01/2010)
10/04/2010	31	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE <i>GERALRD CARNAGO TRUTS</i> (MAIDA, JOHN) (Entered: 10/04/2010)

12/08/2010	32	MOTION for Leave to File <i>Third Party Complaint</i> filed by GERALD CARNAGO, STEPHEN D. SCHUTTE.no. (Attachments: # 1 Exhibit)(MAIDA, JOHN) (Entered: 12/08/2010)
12/09/2010	33	CERTIFICATE OF SERVICE by GERALD CARNAGO, STEPHEN D. SCHUTTE re 32 MOTION for Leave to File <i>Third Party Complaint</i> (MAIDA, JOHN) (Entered: 12/09/2010)
12/10/2010	34	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. ONEILL, JR ON 12/10/10.12/13/10 ENTERED AND COPIES E-MAILED.(kw,) (Entered: 12/13/2010)
12/10/2010	35	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	36	STIPULATION of Dismissal by THE PENN MUTUAL LIFE INSURANCE COMPANY. (VILLANUEVA, KATHERINE) (Entered: 02/24/2011)

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