

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

JOHN J. KORESKO, V and : CIVIL ACTION
PENNMONT BENEFIT SERVICES, INC. :
 :
v. :
 :
JEFF BLEIWEIS; RAYMOND ANKNER, CJA :
AND ASSOCIATES, INC.; and :
THE TRAVELERS LIFE AND ANNUITY CO. : NO. 04-00769

ORDER AND OPINION

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE

DATE: December 28, 2004

Defendant Travelers Life and Annuity Company attempted to serve a timely subpoena upon the third-party law firm of which Plaintiff John J. Koresko, V, is the sole partner.

Mistakenly, the subpoena was written out to Koresko & Associates, L.P., instead of Koresko & Associates, P.C.

Neither the person at the service address nor Koresko's attorney would accept service of the subpoena despite the facts that (a) Koresko, personally, was aware that Travelers would attempt to obtain by subpoena documents from his law firm about which he testified at his deposition, and which he had refused to provide informally¹, and (b) Koresko is only a partner in one law firm. Neither the attorney representing Koresko in this case nor his sole associate at Koresko & Associates would cooperate with counsel for Travelers in correcting its small error. They would not agree to the service of a substitute subpoena. Travelers was even informed that it had served the subpoena to the wrong address, despite the fact that the service address is the same address provided on the letterhead for Koresko & Associates, P.C.

¹“Q: As a matter of fact, will you voluntarily provide them? A. No. Send a subpoena.” Koresko Deposition Excerpt, attached as Exhibit B to Travelers' Motion.

In light of the foregoing, I will direct Koresko & Associates to comply fully with the subpoena as served. In its response to this motion, Koresko & Associates argued that the subpoena represented a backdoor attempt to obtain from Koresko's law firm material it could no longer get from Koresko, because the time for party discovery had expired under the Scheduling Order. If the material is in the possession of Koresko & Associates, however, (and it should be, since that is what Koresko testified), it is properly the subject of Travelers' subpoena.

ORDER

AND NOW, this 28th day of December, 2005, upon consideration of Defendant the Travelers Life and Annuity Company's Motion to Compel Discovery from Koresko & Associates, docketed in this case as Document No. 75, it is hereby

ORDERED that Koresko & Associates is directed to comply fully with the subpoena dated November 4, 2004, issued by Robert W. Ashbrook, Jr., within ten days of the date of this Order.

BY THE COURT:

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE