

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

JOHN J. KORESKO, V and : CIVIL ACTION  
PENNMONT BENEFIT SERVICES, INC. :  
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 :  
 v. :  
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 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: 6/1/05

Plaintiffs have moved for an order compelling defendant Jeff Bleiweis to submit to a second day of deposition. I will deny their motion as untimely.

After this case was moved to federal court, the parties entered a joint discovery plan, dated May 13, 2004, under which fact discovery of parties was to end on August 18, 2004. On August 8, 2004, however, I set an amended discovery schedule, in which the last day for fact discovery from a party was to be October 18, 2004. In October, after this deadline had run, Plaintiffs petitioned the Honorable Bruce W. Kauffman, the trial judge in this case, for a further 90 days. In an order dated February 10, 2005, Judge Kauffman found that Plaintiffs themselves were responsible for the discovery delays of which they complained. Nevertheless, he permitted Plaintiffs 30 days from the date of his order in which to take oral depositions, "in the interest of justice." Clearly, this was intended to be the final extension of the discovery schedule.

On March 8, 2005, Plaintiffs deposed Jeff Bleiweis. It was clear by the end of that day that the parties disagreed as to whether the deposition would be continued for a second day. Coincidentally, the parties had a telephone conference with the Court scheduled for the next day. However, Plaintiffs did not raise this issue at the conference.

On March 23, 2005, after the 90-day last-ditch discovery deadline had passed, Plaintiffs wrote to the Court, asking for another telephone conference to determine whether and when Bleiweis would sit for a second day of deposition. I did not schedule the requested conference. On April 29, 2005, Plaintiffs filed this motion.

At some point, discovery in this case – as in any other case – must end. It is clear from his February 10, 2005, Order that Judge Kauffman decided that this point would be March 11, 2005, for all fact discovery concerning a party. Since Plaintiffs did not act to obtain a second day of deposition before this deadline, I will deny their motion.<sup>1</sup>

ORDER

AND NOW, this                    day of June, 2005, upon consideration of Plaintiffs' Motion to Compel Deposition Testimony of Defendant Jeff Bleiweis, docketed in this action as Document No. 108, and Defendants' response thereto, it is hereby ORDERED that Plaintiffs' Motion is DENIED.

BY THE COURT:

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JACOB P. HART  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> It seems from the pleadings that the parties agreed to schedule some depositions after March 11, 2005. They were entitled to do so. However, this does not extend the Court deadlines.