

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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K. DOE,

Plaintiff,

**MEMORANDUM ORDER**

- v -

CV-10-1792 (RJD)(VVP)

GEORGE PATAKI, in his individual capacity,

Defendant.  
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Counsel for the plaintiff has responded to the court's order to show cause why the plaintiff should not be precluded from serving interrogatories and document requests on the defendant George Pataki for his failure to comply with the court's scheduling orders. The excuse provided by counsel – law office failure – is one heard all too often by the court, and it has become particularly unpersuasive in an age when the court's docket can be checked quickly and easily online. Nevertheless, the court will accept the excuse one time. **Law office failure will not serve hereafter to excuse the plaintiff's counsel's non-performance of any obligations in this case.**

Accordingly, the plaintiff is afforded one *final* opportunity to serve initial document requests and interrogatories on the defendant George Pataki within 21 days. Deadlines for the service of initial discovery requests on the defendants who have been properly named in the Third Amended Complaint recently permitted by Judge Dearie will be addressed at the next conference in this case on **September 18, 2013 at 10:00 a.m.**

The plaintiff's counsel is ordered to serve a copy of this order on his client *forthwith*, and to file a certificate of service in the record.

SO ORDERED:

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
July 16, 2013