

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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203 17TH REALTY LLC, et al.,
Plaintiffs,

- against -

CITY OF NEW YORK, et al.,
Defendants.

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MEMORANDUM
AND ORDER

11-CV-1392 (WFK) (JO)

James Orenstein, Magistrate Judge:

On March 6, 2012, I ordered plaintiff Gotham Broad LLC ("Gotham"), along with several other plaintiffs in this action, to show cause why I should not recommend the dismissal of its claims for failure to prosecute. Docket Entry ("DE") 38. Gotham had been without counsel since the withdrawal of its prior attorney due to a potential conflict of interest on January 27, 2012, and had failed to appear at court-ordered status conferences on January 31, 2012, and March 1, 2012. Order dated January 27, 2012; DE 28; DE 36. On March 26, 2012, Gotham, through new counsel, filed a written response urging the court not to recommend the dismissal of its claims. DE 40. On March 28, 2012, the defendants filed a response arguing in favor of such a dismissal. DE 41. For the reasons set forth below, I decline to recommend the dismissal of Gotham's claims.

A district court has the inherent power to manage its own affairs so as to achieve the orderly and expeditious disposition of cases. *Lewis v. Rawson*, 564 F.3d 569, 575 (2d Cir. 2009) (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)). Consistent with that inherent authority, the Federal Rules of Civil Procedure explicitly empower a district court, in the exercise of its sound discretion, to dismiss an action "[i]f the plaintiff fails to prosecute or to comply with ... a court order[.]" Rule 41(b); see *Lewis*, 564 F.3d at 575 (noting that standard of review is abuse of discretion). Because dismissal on such grounds is unquestionably a "harsh remedy" that should be

