

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MOHAMMAD AKMAN,

Plaintiff,

-against-

**PEP BOYS MANN MOE & JACK
OF DELAWARE INC.,**

Defendant.

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**MEMORANDUM
AND ORDER**

11-CV-3252 (SLT)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In an application dated May 24, 2012, defendants requested an order compelling plaintiff Mohammad Akman (1) to respond (without objection) to defendant's written discovery demands (served on April 2, 2012) and (2) to reimburse defendant for the fees and costs incurred in connection with making the May 24th motion. See Letter Motion to Compel (May 24, 2012), Electronic Case Filing Docket Entry ("DE") #12. In that letter-motion, defendant's counsel recounted his attempts, since May 9, 2012, to communicate with plaintiff's counsel about plaintiff's discovery derelictions, and he represented that plaintiff's counsel had failed to respond to any of defense counsel's communications. See id. at 1.

In light of the aforesaid allegations, this Court endorsed an order on May 24, 2012, directing plaintiff "to show cause, via ECF, by May 29, 2012, why the relief requested should not be granted." Order To Show Cause (May 24, 2012), DE #13. The Court's Order To Show Cause was docketed into the ECF court file and was transmitted to plaintiff's counsel's

email address. Nevertheless, plaintiff's counsel has ignored the Order To Show Cause and has not responded.

Defendant's motion to compel is therefore granted, to the following extent: Plaintiff must, on pain of sanctions, including but not limited to dismissal of his complaint, respond without objection, by June 5, 2012, to all discovery demands served by defendant on April 2, 2012, and must appear for his deposition on June 7, 2012 (or on such other date prior to the conclusion of discovery, but only if agreed to by defendant's counsel). Plaintiff and his counsel are warned that any further violations of court orders and/or of plaintiff's discovery obligations will result in the imposition of monetary sanctions such as fees and costs, as well as a recommendation that the complaint be dismissed for lack of prosecution.

Defendant's motion for fees and costs is denied without prejudice, pending plaintiff's compliance with this Order.

SO ORDERED.

**Dated: Brooklyn, New York
June 1, 2012**

/s/ Roanne L. Mann

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**