

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALEXANDER PASHKOV, YURY SERKOV,

Plaintiffs,

-against-

AMADEUS PIANO CO., INC.,
MIKHAIL FEYGIN, EVA FEYGIN,

Defendants.
-----X

FEUERSTEIN, J:

ORDER
13-CV-6772 (SJF)(GRB)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JUL 24 2014 ★

LONG ISLAND OFFICE

On July 2, 2014, this Court ordered that plaintiff Alexander Pashkov (“Pashkov”) was to appear for a deposition on July 7, 2014 with a Russian interpreter, and advised the parties that Pashkov’s “[f]ailure to appear for the scheduled deposition with an interpreter will result in dismissal of plaintiffs case.” [Docket Entry No. 15]. On July 7, 2014, Pashkov appeared for his deposition without a Russian interpreter. [Docket Entry No. 18].

On July 10, 2014, this Court ordered Pashkov to show cause, by filing an affidavit by July 21, 2014, why this action should not be dismissed for failure to appear for his deposition on July 7, 2014 with a Russian interpreter as ordered by this Court on July 2, 2014, and advised Pashkov that failure to comply with the Order to Show Cause will result in his claims being dismissed in their entirety with prejudice, and without further notice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [Docket Entry No. 19]. The July 10, 2014 Order to Show Cause further advised that while Pashkov’s counsel’s motion to withdraw as attorney remains pending, Pashkov’s counsel is responsible for notifying Pashkov of the Court’s order. [Docket Entry No. 19]. In violation of this Court’s July 10, 2014 Order to Show Cause, Pashkov did not file an affidavit by July 21, 2014 explaining why this action should not be dismissed.

Accordingly, Pashkov's claims are dismissed in their entirety with prejudice pursuant to **Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute this action.**

The claims of Plaintiff Yury Serkov ("Serkov") remain pending. Serkov is hereby ordered to inform the Court, **by serving and filing a letter on or before August 13, 2014 at 5:00 p.m.**, whether he intends to proceed with this action. **Serkov is advised that failure to inform the Court by August 13, 2014 whether he intends to proceed with this action will result in his claims being dismissed in their entirety with prejudice, and without further notice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute this action.**

Plaintiff's counsel is again advised that while his motion to withdraw remains pending, he is responsible for notifying his clients, Pashkov and Serkov, of this order and the directives contained herein.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: July 24, 2014
Central Islip, New York