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LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDER PASHKOV, YURY SERKOV,

Plaintiffs,

-against-

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

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

FEUERSTEIN, J:

On July 24, 2014, this Court ordered that plaintiff Yury Serkov ("Serkov") inform the Court, by serving and filing a letter on or before August 13, 2014, whether he intends to proceed with this action, and was advised that failure to comply with the order 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. 20]. According to a certificate of service filed by Serkov's counsel on July 28, 2014, Serkov's counsel sent Serkov a copy of the July 24, 2014 order via first class mail, and on July 28, 2014, he reached Serkov via telephone and also emailed the order to Serkov. [Docket Entry No. 21]. In violation of this Court's July 24, 2014 order, Serkov did not file a letter by August 13, 2014 informing the Court whether he intends to proceed with this action. Accordingly, **Serkov'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.**¹

¹ The claims of Pashkov, Serkov's co-plaintiff, were dismissed on July 24, 2014 order. As a result, Serkov's claims remained the only claims pending in this action.

The case is dismissed and the Clerk of Court is directed to close this case. In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the plaintiffs, and shall record such service on the docket.

Plaintiff's counsel shall serve a copy of this order upon his clients and file proof of such service with the Court.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: August 15, 2014
Central Islip, New York