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ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSOCIATION OF HOLOCAUST VICTIMS
FOR RESTITUTION OF ARTWORK
AND MASTERPIECES, et al.

No. 04 Civ. 8457 (LTS)(HBP)

Plaintiffs,

-against-

REPUBLIC OF HUNGARY, et al.,

Defendants.

ORDER OF DISMISSAL

Plaintiffs commenced the above-captioned action with the filing of a Complaint, as well as the filing of a Complaint in a related action, Association of Holocaust Victims for Restitution of Artwork and Masterpieces, a/k/a "AHVRAM", et al. v. Federation of Russia, et al., No. 04 Civ. 8456 (LTS)(HBP),¹ on October 27, 2004. On February 25, 2005, this Court signed an Order to Show Cause requiring plaintiffs to show by written affidavit why the above-captioned action should not be dismissed for failure to prosecute. (Docket entry #6). Plaintiffs filed an affidavit in response on March 14, 2005. (Docket entry #8).

By order dated July 11, 2005, the Court directed Plaintiffs to complete service of process on the Defendants under the Hague Convention, or as was otherwise appropriate, no later than Monday, October 31, 2005. (Docket entry #13). Plaintiffs failed to respond to that order. Again, the Court ordered that Plaintiffs show cause by written affidavit, filed electronically with the Court, why this action should not be dismissed for failure to prosecute. (Docket entry #14). Plaintiffs filed

Copies mailed to Plf. counsel + faxed to Chambers of Judge Sullivan Def's counsel

¹ By Order dated December 2, 2005, that action was dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).


affidavits in response to that order. (Docket entries #15, 16, and 17).

By order dated January 5, 2006, the Court directed that Plaintiffs shall complete, and shall file proof of, service of process on Defendants under the Hague Convention, or as is otherwise appropriate, no later than Friday, April 28, 2006. (Docket entry #21). The order stated that "[i]f service is not effected, and proof filed with the Court, by that date, the case may automatically be dismissed without prejudice and without further advance notice."

Court records reflect that Plaintiffs have taken no further steps comply with the Court's most recent Order or to prosecute this action. Accordingly, this action is dismissed without prejudice, for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: New York, New York
May 19, 2006



LAURA TAYLOR SWAIN
United States District Judge