

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:19-cv-00135-MR**

|                               |   |                     |
|-------------------------------|---|---------------------|
| <b>MATTHEW JAMES GRIFFIN,</b> | ) |                     |
|                               | ) |                     |
| <b>Plaintiff,</b>             | ) |                     |
|                               | ) |                     |
| <b>vs.</b>                    | ) | <b><u>ORDER</u></b> |
|                               | ) |                     |
| <b>ERIK A. HOOKS, et al.,</b> | ) |                     |
|                               | ) |                     |
| <b>Defendants.</b>            | ) |                     |
| _____                         | ) |                     |

**THIS MATTER** is before the Court on Plaintiff’s “Eighth Motion for a 90 Day Extension of Time Within Which to Join/substitute parties and serve process under Rule 4(m).” [Doc. 117].

For the sake of judicial economy, the Court herein incorporates its previous June 18, 2021 Order at Docket No. 116 in this matter in which the Court, in part, ordered Defendant Hooks to serve certain discovery responses on Plaintiff and to file the same responses with the Court, all within seven (7) days of the Court’s Order. [Doc. 116 at 8]. The Order also granted Plaintiff an additional 30 days to identify and serve the remaining Doe Defendants. [Id.]. It was anticipated that the discovery responses would provide Plaintiff with the information necessary to identify and serve these Defendants. Plaintiff now moves for an additional 90 days to identify and serve these Defendants because

Defendant Hooks has failed to serve the subject discovery responses on Plaintiff as ordered by the Court. [Doc. 117 at 4]. Defendant Hooks has also failed to file these discovery responses with the Court, as ordered.

Defendant and defense counsel have repeatedly failed to follow the Court's Orders and to comply with case deadlines in this matter despite the Court's previous admonitions. [See Docs. 77, 80, 91, 116]. Apparently, the Court's most recent Order is no exception. It is now approximately a month past Defendant Hooks' deadline to comply with the Court's Order, [see Doc. 116 at 8-9], and the docket reflects that Defendant Hooks has not filed his discovery responses as ordered and the Court does not doubt that he also failed to serve these responses on Plaintiff. The Court will again order defense counsel to show cause, in detail, why he has failed to follow the Court's Order June 18, 2021.

The Court will further order Defendant Hooks and his counsel to show cause why sanctions, including but not limited to default judgment against Defendant Hooks and/or treating Defendant's failure to comply with the Court's Order [Doc. 116] as contempt of court, should not issue. Defense counsel is leaving the Court with very little choice but to resolve this case against Defendant Hooks through sanctions.

Finally, the Court will Order Defendant Hooks, within five (5) days of this Order, to serve the subject discovery responses on Plaintiff and to file them with the Court as ordered in the Court's June 18, 2021 Order.

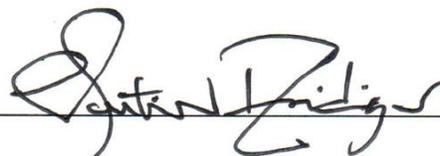
**At this point, defense counsel and his client would be much better served to seek the assistance of other attorneys in defense counsel's office to litigate this case to its resolution, as defense counsel makes no consistent effort to manage this case properly and professionally himself.**

**ORDER**

**IT IS, THEREFORE, ORDERED** that counsel for Defendant Hooks, within five (5) days of this Order, shall comply with the Court's June 18, 2021 Order [Doc. 116]; shall show cause why he has failed to follow the Court's June 18, 2021 Order [Doc. 116], and shall show cause why sanctions should not issue in accordance with the terms of this Order.

**IT IS FURTHER ORDERED** that Plaintiff's motion for extension of time [Doc. 117] is **GRANTED IN PART**. Plaintiff shall have 21 days from Defendant Hooks' service of the subject discovery responses on Plaintiff to identify and serve the remaining Doe Defendants.

Signed: July 27, 2021



Martin Reidinger  
Chief United States District Judge

