

[REDACTED]

[REDACTED]

STATE OF

VS.

_____ ,

Hearing:

Judge:

Plaintiff [REDACTED] ("Plaintiff"), by and through counsel undersigned, hereby moves this Court for sanctions against Defendant and Defendant's counsel, [REDACTED]

[REDACTED], including but

" filed [REDACTED] ("Defendant's

This Motion is based upon Rules 11 of [REDACTED] Family Court Rules ([REDACTED]), Memorandum of Law, Declaration of Counsel, the records and files of this case, and such caselaw, evidence, and arguments as may be adduced at the hearing on this motion.

DATED: [REDACTED].

[REDACTED]

By [REDACTED]
[REDACTED]
Attorneys for Plaintiff
[REDACTED]

IN THE FAMILY COURT OF THE [REDACTED] CIRCUIT
STATE OF [REDACTED]

[REDACTED],
Plaintiff,

vs.

[REDACTED],
Defendant.

[REDACTED]
Memorandum of Law

Memorandum of Law

Facts:

[REDACTED] Rule 11 states: "The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other document; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. ... If a pleading, motion, or other document is signed in violation of this Rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other document, including a reasonable attorney's fee."

In this case, Defendant's erroneous actions and Defendant's Motion for Pre-Decree Relief were signed and filed with the intent to create false impressions, harass Plaintiff, and needlessly increase the cost of litigation. Per Defendant's Motion for Pre-Decree Relief, after the relevant order filed [REDACTED], Plaintiff was "ORDERED to [REDACTED] for [REDACTED] litigation expenses, payable within two weeks (by [REDACTED])." On [REDACTED], Plaintiff mailed the requested \$50,000.00 check to Defendant's last known address, Defendant's [REDACTED] PO Box. On [REDACTED], Defendant's counsel informed counsel for the first time that Defendant had moved back to [REDACTED]. After several exchanges exploring options, counsel informed Defendant's counsel that Plaintiff would mail a replacement check within a week. Defendant's Counsel nevertheless chose to file Defendant's Motion for Pre-Decree Relief and included a misleading declaration in their motion thereby creating false impressions, disparaging Plaintiff, harassing Plaintiff, and needlessly increasing the cost of litigation for both parties. Pursuant to Rule 11 of the [REDACTED] Defendant's improper filing of Defendant's Motion for Pre-Decree Relief should receive "an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other document, including a reasonable attorney's fee."

DATED: [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
Attorneys for Plaintiff
[REDACTED]

IN THE FAMILY COURT OF THE [REDACTED] CIRCUIT
STATE OF [REDACTED]

[REDACTED],
Plaintiff,

vs.

[REDACTED],
Defendant.

[REDACTED]

Declaration of Counsel

DECLARATION OF COUNSEL

1. I, [REDACTED], am a lawyer licensed and in good standing in the State of [REDACTED]
2. Through [REDACTED], I am counsel for Plaintiff [REDACTED] ("Husband" or "Plaintiff") and a custodian of records for [REDACTED].
3. I have reviewed the records and files in this matter, interviewed witnesses, spoken to Opposing Counsel, and reviewed Plaintiff's and Defendant's pleadings. Based on the foregoing, I state as follows:
 - a. On [REDACTED], as ordered, Plaintiff sent [REDACTED] to Defendant's last known address. To protect Plaintiff against accusations, this [REDACTED] was sent via return receipt and required Defendant's signature.
 - b. At no time prior to this date did any of Defendant's three lawyers or two paralegals inform us that Defendant had relocated.
 - c. On [REDACTED], in the afternoon, i.e. New Year's Eve, one of Defendant's three lawyers and two paralegals decided to send an email

with various accusations including, inter alia, an accusation that the [REDACTED] had not been sent.

- d. On January 2, [REDACTED], upon my return to work after the holiday, I provided the proof that the [REDACTED] had been sent return receipt, signature required.
- e. Attached as Exhibit A is a true and correct copy of the correspondence.
- f. As clearly shown in the correspondence, Defendant's three lawyers and two paralegals delayed repeatedly in following up on this issue.
- g. Moreover, they all had the proof that Plaintiff **could not** retrieve the [REDACTED] because it was sent return receipt with a signature required.
- h. Eventually, Defendant's three lawyers and two paralegals concluded that Defendant also would not be able to retrieve the [REDACTED]. They requested, on [REDACTED], January 8, that [REDACTED] be sent on or before [REDACTED] January 12.
- i. Counsel was not immediately available to consult with Plaintiff, but, the very next day, on [REDACTED], January 9, Counsel agreed that Plaintiff would send a [REDACTED] before the close of business the following week.
- j. Apparently, receiving [REDACTED] within the week was not satisfactory to Defendant's three lawyers and two paralegals and one of Defendant's lawyers threatened to, and eventually did file motion.
- k. Of special concern, Defendant's motion completely and deliberately omits the two communications where Counsel agrees to send a [REDACTED] [REDACTED] in a timely fashion.

I. Instead, the declaration is misleading and implies that Counsel refused to agree to send [REDACTED] in a timely fashion.

4. I declare under penalty of law that the foregoing is true to the best of my knowledge and belief.

DATED: [REDACTED]

[REDACTED]

IN THE FAMILY COURT OF THE [REDACTED] CIRCUIT
STATE OF [REDACTED]

[REDACTED],
Plaintiff,

vs.

[REDACTED],
Defendant.

[REDACTED]
Notice of Hearing

NOTICE OF HEARING

To:

[REDACTED]
Attorneys for Defendant

NOTICE IS HEREBY GIVEN that the foregoing motion shall come on for hearing
before the Presiding Judge [REDACTED]
[REDACTED] on [REDACTED] or as soon thereafter as counsel may be
heard.

DATED: [REDACTED] [REDACTED].

[REDACTED]
[REDACTED]
Attorneys for Plaintiff
[REDACTED]

IN THE FAMILY COURT OF THE [REDACTED] CIRCUIT

STATE OF [REDACTED]

[REDACTED],
Plaintiff,

vs.

[REDACTED],
Defendant.

[REDACTED]

Certificate of Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, a true and correct copy of the foregoing document was duly served upon the following VIA [REDACTED]

[REDACTED]

[REDACTED]

Attorneys for Plaintiff

DATED: [REDACTED].

[REDACTED]

By /s/ Sebastian Oliveros
Sebastian Oliveros
Legal Assistant