

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

RANDI BRENT WHITEHEAD,

Plaintiff,

v.

Case No: 8:13-cv-2845-T-30JSS

MATTHEW PALMER, *et al.*,

Defendants.

ORDER

THIS CAUSE comes before the Court upon the Defendants' Motion for Attorney Fees and Costs Associated with Plaintiff's Counsel's Failure to Attend Exhibits Exchange (Dkt. #101). As of the date of this Order, Plaintiff's counsel has not filed a response to the Motion. Defendants Matthew Palmer and Brian Thiers seek attorneys' fees and costs as a sanction against Plaintiff's counsel for his failure to attend a scheduled exhibit exchange on June 8, 2015. After Defendants' counsel arrived for the meeting as scheduled, Plaintiff's counsel notified him that he had a scheduling conflict and did not attend the meeting.


"Courts have the inherent power to police themselves and those appearing before them." *Sciarretta v. Lincoln Nat. Life Ins. Co.*, 778 F.3d 1205, 1212 (11th Cir. 2015). Once a court finds bad faith on behalf of a party or its counsel, it has the authority to assess attorneys' fees as a sanction for that bad faith conduct. *See id.* Under the specific circumstances of this case including attorney Paul E. Bross, Esq.'s agreement to schedule the exhibit exchange in Tampa at a time that was clearly in conflict with his scheduled

court appearance in Brevard County, his failure to timely notify Defendants' counsel which would have prevented the expenditure of time and travel, and his failure to adhere to deadlines and respond in a timely manner to pending motions on previous occasions, the Court concludes that the Motion should be granted.

It is therefore **ORDERED AND ADJUDGED** that:

1. Defendants' Motion for Attorney Fees and Costs Associated with Plaintiff's Counsel's Failure to Attend Exhibits Exchange (Dkt. #101) is **GRANTED**.
2. Plaintiff's counsel, Paul E. Bross, Esq. is hereby sanctioned for his failure to appear at the exhibit exchange on June 8, 2015, and shall pay \$453.20 to Defendants' counsel Unice Salzman Jensen, P.A. on or before July 20, 2015, failing which will result in a finding of contempt of court upon proper motion.

DONE and **ORDERED** in Tampa, Florida, this 13th day of July, 2015.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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