

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

BILLIE JO BUCKLAND, LARRY M BUCKLAND,

Plaintiffs,

v.

CASE NO. 1:10-cv-00033-MP -AK

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS,

Defendant.

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**ORDER**

This matter is before the Court on Doc. 27, Response to Order to Show Cause by John Piccin, Esq. Mr. Piccin had been directed to show cause why it was appropriate under Rule 11 to attach his signature to an Amended Complaint alleging only Federal Tort Claims Act (“FTCA”) jurisdiction in its jurisdiction-invoking paragraph, then bringing a breach of contract cause of action. Mr. Piccin has timely filed his response to the order to show cause, in which he explains his actions.

Mr. Piccin argues that it was an oversight to incorporate his assertion of jurisdiction under the FTCA into his breach of contract claim, rather than alleging supplemental jurisdiction under 28 U.S.C. § 1367, but not so grave an error as to merit sanctions under Federal Rule of Civil Procedure 11(b)(3). This Court agrees. Mr. Piccin had a good-faith basis to assert subject matter jurisdiction under the tort claims in the Amended Complaint through the FTCA, though the law was ultimately not in his favor in that respect. Had his attempt to assert subject matter jurisdiction succeeded, this Court would have had supplemental jurisdiction over the breach of contract claim.

Mr. Piccin has adequately explained that his errors in drafting the Amended Complaint were not the product of contempt or bad faith. The Rule for him to Show Cause is DISCHARGED.

**DONE AND ORDERED** this 28th day of September, 2010

*s/Maurice M. Paul*

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Maurice M. Paul, Senior District Judge