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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:13-CV-308-H

RACHEL JEWELL PLAINTIFF

V.

SANTANDER CONSUMER INC., USA DEFENDANT

MEMORANDUM OPINION AND ORDER

Plaintiff has moved to dismiss her claim with prejudice. Defendant has objected on the grounds that it has a pending valid Rule 11 motion. The Court has been involved in the events leading to this conclusion, has reviewed all pending motions, and held a conference with the parties.

This is a close call because the nature of Plaintiff's evidence was highly unusual and, ultimately, suspect. Defendant did everything which could have been required. After new counsel became involved for Plaintiff, that counsel responded to the Court's assertion that the evidence was suspect. These are circumstances in which Defendant may deserve better than a mere dismissal. However, it has not proven entitlement to Rule 11 sanctions.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Defendant's motion for sanctions is DENIED.

IT IS FURTHER ORDERED that Plaintiff's claims are DISMISSED WITH PREJUDICE.

This is a final order.

Dockets.Justia.com

March 20, 2014

John G. Heyburn II, Judge
United States District Court

cc: Counsel of Record