

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

SOUTHERN SNOW MANUFACTURING CO., INC.	CIVIL ACTION NO. 06-9170
	09-3394
	10-0791
	11-0880
VERSUS	11-1499
SNOWIZARD HOLDINGS, INC. ET AL	SECTION: "G" (1)

**ORDER AND REASONS**

Before the Court is a motion styled "ExParte Motion to Withdraw Motion for Sanctions Under Rule 11," submitted by Plum Street Snowballs, Theodore Eisenmann, Raggs Supply, LP, Special T Ice Co., Inc., Van's Snowballs, Parasol Flavors, LLC, Southern Snow Manufacturing Co., Inc., Simeon, Inc., Snow Ingredients, Inc., Banister & Co., Inc., Milton "Buddy" Wendling, Doty Management, LLC, Julie K. Doty, and Ron Robinson, variously Plaintiffs and Counter-Defendants in this action wherein they seek to withdraw their Motion for Sanctions Under Rule 11 (Rec. Doc. 487) "with prejudice regarding only the specific incidents asserted in the motion."<sup>1</sup> SnoWizard, Inc. objects and opposes the Motion to Withdraw Motion for Sanctions because it seeks payment of reasonable attorney fees incurred by SnoWizard as a result of the motion pursuant to Rule 11(c)(2).

Presumably, SnoWizard is referring to the portion of FRCP, Rule 11(c)(2), which states, "If warranted, the Court *may* award to the *prevailing* party the reasonable expenses, including attorney's fees, incurred for the motion." (emphasis added).

A review of the docket demonstrates that the parties in these consolidated matters have a long history of conflict that has played itself out in nearly every section of this Court over many years. In the spirit of encouraging cooperation and civility among the parties, and in exercising its

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<sup>1</sup> Rec Doc. 498.

discretion, this Court will grant the Motion to Withdraw Motion for Sanctions and deny SnoWizard's request for reasonable attorney fees. According,

**IT IS ORDERED** that the movant's "ExParte Motion to Withdraw Motion for Sanctions Under Rule 11," is hereby **GRANTED AND**

**IT IS FURTHER ORDERED** that SnoWizard's request for reasonable attorney fees is **DENIED.**

New Orleans, Louisiana, this 21st day of September, 2012.

  
NANNETTE JOLIETTE BROWN  
UNITED STATES DISTRICT JUDGE