

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL L. SHWARTZ

PLAINTIFF

V.

CAUSE NO. 4:16CV115-MPM-JMV

HICHAM KHODR

DEFENDANT

ORDER AWARDING SANCTIONS

This matter is before the court following a telephonic hearing on the court's *sua sponte* order to show cause for the creation and transmittal, via email, of a purported amended text order.

Appropriately, the defendant has requested by way of *ore tenus* motion made at the recent hearing an award of attorney's fees and expenses incurred by him with respect to his counsel's investigating the origination of the purported order and his counsel's legal and ethical obligations with respect thereto as well as preparation for and attending the recent hearing ordered by the court in connection with this matter.

The defendant's motion is well taken and will be granted. All of defense counsel's reasonable fees and expenses are assessed to plaintiff's counsel. The itemization of such fees and expenses shall be submitted to the court and counsel opposite on or before the expiration of 10 days from today's date. Plaintiff's counsel will have 5 business days from the filing of defense counsel's itemization to file any objection thereto, and defense counsel will have 3 days to reply.

All counsel, including the employee responsible for creation of the purported text order, have been instructed to thoroughly review the extent to which they may be ethically bound to

report the circumstances giving rise to this order to the Mississippi Bar. The court will do likewise.

SO ORDERED this 9th day of September, 2016.

/s/ Jane M. Virden
U. S. Magistrate Judge