

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ST. LOUIS PRODUCE MARKET,)
)
 Plaintiff,)
)
 vs.)
)
 CLARENCE HUGHES,)
)
 Defendant.)

Case No. 4:09CV1912 RWS

MEMORANDUM AND ORDER

On September 25, 2012, I granted Plaintiff’s motion for summary judgment in this matter. Plaintiff St. Louis Produce Market has filed two post judgment motions. The first seeks sanctions in the form of attorneys fees. The second requests that an amended judgment be entered which specifically includes an award of sanctions previously entered in this matter.

The Produce Market’s motion for sanctions is directed against Defendant’s counsel, Christopher Swiecicki. As the basis for its motion, the Produce Market asserts that Swiecicki acted in concert with his client to induce the Produce Market to enter into an altered severance agreement with Defendant. The Produce Market asserts that Swiecicki, complacently, if not intentionally, allowed his client to destroy or fail to disclose evidence in this matter which made this case more costly in time and expense to litigate.

Swiecicki responds that he was not aware of the “discovery antics of Mr. Hughes” while this matter was being litigated. Swiecicki states that he informed Hughes of his duty to preserve evidence and reveal witnesses but it is “now apparent that Mr. Hughes does what he wants; now he has to pay the price.”

Although I find that Swiecicki’s demeanor and some of his actions in this litigation have


been coarse and contumacious, I find no evidence that Swiecicki engaged in sanctionable conduct. As a result, I will deny Plaintiff's motions for attorneys fees.

Plaintiff also requests that I amend the judgment in this matter to reflect the \$20,930.55 sanction award I entered against Hughes on May 13, 2011. I will grant that motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for attorneys fees [#155] is **DENIED.**

IT IS FURTHER ORDERED that Plaintiff's motion to alter or amend the judgment in this case [#160] is **GRANTED.** I will enter a new judgment in this matter.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 20th day of December, 2012.