

reasonable argument for a change in existing law, and "the factual contentions have evidentiary support." Fed. R. Civ. P. 11(b). Rule 11 "must not be used as an automatic penalty against an attorney or a party advocating the losing side of a dispute." *Gaiardo v. Ethyl Corp.*, 835 F.2d 479, 482 (3d Cir.1987).

Defendants and Plaintiff filed papers that go back and forth on myriad factual disputes about when individuals learned of certain plans, when certain plans became concrete, whether Plaintiff was forced to resign, whether Plaintiff was the target of the theft investigation, whether Defendants made incorrect representations to law enforcement, and whether Defendants discriminated against Plaintiff.

Defendants repeatedly invoke evidence from the related state criminal trial that supports their positions. But the state criminal trial was a separate proceeding with different claims and a different standard of proof. Plaintiffs have not violated Rule 11(b). The filings between Plaintiffs and Defendants do not strike the Court as anything more than the familiar back and forth about factual disputes attendant to most adversarial proceedings. The Court does not believe that Plaintiff's arguments rise to the level of "unmeritorious" that would justify sanctions. Accordingly, the Court **DENIES** Defendants' request for Rule 11 sanctions. An order follows.

Dated: 2/24/2022

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge