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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YONG BIAO JI, Plaintiff, v. AILY FOOT RELAX STATION, INC. d/b/a Foot Relax Spa Station; LINDA FOOT RELAX SPA STATION, INC. d/b/a Foot Relax Spa Station; XIANG MAN ZHANG a/k/a Ailing Zhang; and KE XUE ZHENG, Defendants.	**ORDER** 19 CV 11881 (VB)

By Order dated February 8, 2021, the Court instructed defense counsel to show cause why plaintiff's motion for sanctions should not be granted. (Doc. #76). On February 11, 2021, defense counsel filed a letter in response. (Doc. #78). The letter fails to establish that defense counsel's filings were "not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation" and "the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law." Fed. R. Civ. P. 11(b)(1)-(2). Although the Court is sympathetic to defense counsel's health issues, this does not absolve defense counsel of his obligation to read, understand, and comply with the Federal Rules of Civil Procedure, the Court's Orders, or applicable case law.

Accordingly, it is HEREBY ORDERED that by March 3, 2021, defense counsel shall compensate plaintiff's counsel in the amount of $500 to account for time wasted responding to defense counsel's improper filings. By the same date, defense counsel shall file a letter on the docket confirming such payment has been made. Fed. R. Civ. P. 11(c)(4).

Defense counsel is warned that if his improper filings continue, the Court will not hesitate to impose additional further sanctions.

Dated: February 17, 2021
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge

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