

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-159-FDW-DCK**

**JEFFREY RANDOLPH WATTERSON, and)
RANDOLPH ALEXANDER WATTERSON,)**

Plaintiffs,)

v.)

JENNIFER HOYLE, et al.,)

Defendants.)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff Randolph A. Watterson’s “Motion For Sanctions” (Document No. 290). The pending motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. After careful consideration of the motion and the record, the undersigned will grant the motion in part and deny the motion in part.

By the instant motion, Plaintiff seeks sanctions against Len G. Kornberg, counsel for Defendant Jennifer Hoyle. (Document No. 290). The crux of Plaintiff’s motion is the allegation that Mr. Kornberg intentionally failed to serve Plaintiff a copy of Defendant Hoyle’s “Amended Response To Plaintiff’s Motion For Fees” (Document No. 287), and that Mr. Kornberg falsely represented to the Court in a Certificate of Service that he had served Plaintiff Randolph A. Watterson. (Document No. 290); see also (Document No. 287, p. 5).

Plaintiff’s requested relief includes: sanctions against Mr. Kornberg; the granting of his pending “Bill Of Costs” (Document No. 286); and a copy of Defendant Hoyle’s “Amended Response To Plaintiff’s Motion For Fees” (Document No. 287).

The undersigned will decline to award sanctions at this time. In short, the undersigned is not persuaded that sanctions are appropriate here. However, the undersigned will respectfully suggest that counsel for Defendants in this matter serve any future filings on Plaintiff by certified mail, return receipt requested. In addition, the Court will send Plaintiff a copy of the requested document to Plaintiff. Finally, the undersigned expresses no opinion regarding Plaintiff's "Bill of Costs" (Document No. 286), which will be addressed by the Court at a later date.

IT IS, THEREFORE, ORDERED that Plaintiff Randolph A. Watterson's "Motion For Sanctions" (Document No. 290) is **GRANTED in part** and **DENIED in part**, as set forth herein.

The Clerk of Court is directed to send a copy of this Order and the "Amended Response To Plaintiff's Motion For Fees" (Document No. 287) to Plaintiff Randolph A. Watterson by certified United States mail, return receipt requested.

SO ORDERED.

Signed: April 4, 2019



David C. Keesler
United States Magistrate Judge

