

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LARRY JULIAN HILL, individually and)
as Next Friend of AMH, a minor child,)
and LEH, a minor child,)
)
Plaintiffs,)

vs.)

Case No. CIV-08-1336-M

JENNIFER TEEL, an individual;)
JAMES TEEL, an individual;)
DOUGLAS FRIESEN, an individual,)
)
Defendants.)

JENNIFER TEEL, an individual,)
)
Third Party Plaintiff,)

vs.)

GINA LYNN HILL, an individual,)
ANITA SANDERS, an individual,)
)
Third Party Defendants.)

ORDER

Before the Court is third party defendant Anita Sanders’ (“Sanders”) Motion for Sanctions against Jennifer Teel, filed May 4, 2010. On May 24, 2010, third party plaintiff Jennifer Teel (“Teel”) filed her response. Based upon the parties’ submissions, the Court makes its determination.

Sanders moves this Court, pursuant to Federal Rule of Civil Procedure 11, to order appropriate sanctions against Teel. Specifically, Sanders asserts that Teel filed her Third-Party Complaint against Sanders merely to harass her, cause unnecessary delay, and to increase the cost of litigation.

Rule 11(c)(2) provides, in pertinent part:

Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets.

Fed. R. Civ. P. 11(c)(2) (emphasis added).

Having carefully reviewed the parties' submissions, the Court finds that Sanders has not complied with Rule 11(c)(2). No where in her motion does Sanders state that she served this motion for sanctions on Teel prior to it being filed. Additionally, in her response, Teel states that she never received a copy of Sanders' motion, even after it was filed, but only learned of the existence of the motion by checking the court file in this case.

Accordingly, because Sanders did not comply with Rule 11(c)(2), the Court DENIES Sanders' Motion for Sanctions against Jennifer Teel [docket no. 36].

IT IS SO ORDERED this 21st day of July, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE