

In re: JAMES F. WALKER, Debtor.

CASE NO.: 03-32158-BKC-PGH

The Court resolved several motions and cross-motions for sanctions. The Court denied Debtor's Amended Motion for Sanctions for discovery misconduct against Former Counsel of judgment creditor pursuant to Rule 7037(b) and (d) because there was no evidence that Former Creditor Counsel advised the creditor not to appear and testify at depositions that had been repeatedly requested and scheduled over a twenty month period . The Court granted Debtor's Counsel's Motion for sanctions under 28 U.S.C. § 1927 and 11 U.S.C. § 105 against the Former Creditor Counsel. The Court held that Former Creditor Counsel's conduct in failing to conduct routine investigations before lodging allegations against the honesty and candor of Debtor's Counsel was tantamount to bad faith . Although the imposition of sanctions was appropriate, the amount of sanctions requested by Debtor's Counsel shocked the Court's conscience and was reduced by over ninety percent. Former Creditor Counsel's Motion against Debtor's Counsel pursuant to 28 U.S.C. § 1927 and 11 U.S.C. § 105 was denied. The Court held that Debtor's Counsel's Rule 9011 safe harbor letters did not provide grounds for imposition of sanctions under 28 U.S.C. § 1927.