

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD BOLTE,

Plaintiff,

v.

CAROL KOSCOVE, EDWARD J.
O'BRIEN II, ROBERT DUNLAP,
THERESA M. CISNEROS and
EL PASO COUNTY,

Defendants.

ORDER

04-C-0935-C

In response to the court's order of May 31, 2005, defendants Carol Koscove, Edward J. O'Brien, Robert Dunlap and Theresa M. Cisneros have filed itemized statements of attorney fees and costs incurred in defending this suit against plaintiff Richard Bolte's frivolous lawsuit. Plaintiff has not filed any objections to the amounts sought.

Counsel for defendants Carol Koscove, Robert Dunlap and Edward J. O'Brien (referred to as the Koscove defendants) has averred that he billed these defendants \$14,170.00 for legal services performed by him and members of his firm in defense of this case and \$757.92 for costs, for a total of \$14,927.92. I have reviewed the hours claimed and

the hourly rate and find that both are reasonable.

Counsel for defendant Cisneros has averred that he billed this defendant \$12,298.50 for legal services he performed in representing this defendant in this case. I have reviewed the itemization and find the hours claimed and the hourly rate to be reasonable.

Fed. R. Civ. P. 11 authorizes courts to impose as a sanction “an order directing payment to the movant of some or all of the reasonable attorneys’ fees and other expenses incurred as a direct result of the violation” of the rule, when the sanction is imposed on motion “and warranted for effective deterrence.” In this instance, I am persuaded that the sanction should equal the full amount of the attorney fees and costs incurred by the moving parties. The suit was without foundation in its entirety. As I said in the May 31 order dismissing the case, plaintiff “ignored the rulings of at least four courts” when he filed this suit. Op. & Order, dkt. #33, at 17. It was completely lacking in merit and obviously filed simply to harass defendants. Effective deterrence requires a sanction equal to the costs plaintiff imposed on the defendants.

ORDER

IT IS ORDERED that Rule 11 sanctions are imposed upon plaintiff Richard Bolte in the amount of \$14,927.92, payable to defendants Carol Koscove, Edward J. O’Brien II and Robert Dunlap, and \$12,298.50, payable to the State of Colorado, Office of Risk

Management, Self-Insured Liability Fund 7001, representing fees incurred on behalf of defendant Theresa Cisneros.

Entered this 4th day of August, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge