



issue” in a case that has been closed for over two years, and for which Defendant failed to perfect an appeal. This motion is plainly frivolous and is summarily denied. There are no open issues. The myriad opinions issued by this Court in 2011 addressed all open issues presented by the case. Judgment was entered and no appeal was perfected. Defendant’s motion is denied.

In responding to the motion, Southern Star requests sanctions against Mr. Cline and Mr. Zweygartd. Under 28 U.S.C. § 1927, “any attorney . . . who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses and attorneys’ fees reasonably incurred because of such conduct.” Moreover, the Court has the inherent authority to assess fees when a party has “acted in bad faith, vexatiously, wantonly, or for oppressive reasons.”<sup>1</sup> In the Court’s May 24, 2011 Order enforcing the settlement agreement, the Court awarded sanctions against Mr. Cline and his prior counsel because they had both exercised bad faith and multiplied those proceedings by pursuing unreasonable and frivolous positions. This latest motion continues Mr. Cline’s practice of frivolous filings with the assistance of counsel, and the Court easily finds sanctions are once again warranted. Plaintiff is entitled to an award of reasonable attorneys’ fees it incurred in responding to this motion. This sanction shall be borne equally between Mr. Cline and Mr. Zweygartd. Plaintiff shall file an application for attorneys’ fees with the necessary supporting documentation and submit a proposed order to chambers by January 6, 2014.

**IT IS THEREFORE ORDERED BY THE COURT** that Defendant’s Motion for Ruling on Open Issues (Doc. 103) is **denied**. Plaintiff’s request for sanctions against both Mr. Cline and Mr. Zweygartd is granted. Plaintiff shall file an application for attorneys’ fees with

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<sup>1</sup>*Lowery v. Cnty. of Riley*, 738 F. Supp. 2d 1159, 1169–70 (D. Kan. 2010); see *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–46 (1991).

the necessary supporting documentation and submit a proposed order to chambers by January 6, 2014.

**IT IS SO ORDERED.**

Dated: December 13, 2013

S/ Julie A. Robinson

JULIE A. ROBINSON

UNITED STATES DISTRICT JUDGE