

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

VERA BARRERA, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
v.)	No. 12-1305-MLB
)	
MID AMERICA MANAGEMENT, et al.,)	
)	
Defendants.)	
_____)	

MEMORANDUM AND ORDER

This case comes before the court on defendants' motion for sanctions (Doc. 52) and plaintiffs' motion for costs (Doc. 53). On July 23, 2013, the court dismissed this case with prejudice after an evidentiary hearing. (Doc. 47). Plaintiffs appealed. On March 14, 2014, the Tenth Circuit affirmed the decision and found the appeal frivolous. (Doc. 51).

Defendants now move for sanctions and seek reimbursement of attorney's fees in the amount of \$22,620.04. Plaintiffs oppose the motion and seek costs associated with the filing of their response to the motion.

Analysis

Defendants urge this court to sanction plaintiffs due to their bad faith and abusive litigation practices, citing Roadway Exp., Inc. v. Piper, 447 U.S. 752, 765 (1980).¹ Plaintiff Anthony Lewis has been identified as a plaintiff in sixteen cases in this court. The court

¹ In addition to seeking sanctions in this court, defendants sought attorneys' fees in the Tenth Circuit case and their motion was summarily denied. Tenth Circuit Case No. 13-3186, Order filed May 22, 2014.

conducted a review of the cases which were filed by Lewis between the years 1996 and 2013. With the exception of this case, no other case was found to be frivolous. Lewis has not been subject to sanctions in any of his cases in this court.

While the court found the allegations in this case to be without any factual basis, defendants do not cite to any authority which would support a finding that plaintiffs were acting in bad faith when they filed this action. Therefore, defendants' motion for sanctions is denied. (Doc. 52). Similarly, plaintiffs' motion for costs is denied as it is without any legal basis. (Doc. 53).

IT IS SO ORDERED.

Dated this 20th day of June 2014, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE