

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

NICHOLAS CATRUCH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:04-CV-118-P-C
)	
THE PICTURE PEOPLE,)	
)	
Defendant.)	

ORDER

The Defendant has filed its Memorandum Showing Cause as to Why Fed.R.Civ.P., Rule 11(c)(1)(B) Sanctions are not Warranted (Docket Item No. 22) in response to this Court’s Order Denying Defendant’s Motion to Strike Plaintiff’s First Amended Complaint and Imposing Sanctions on Defendant’s counsel (Docket Item No. 21).

After careful review of the Defendant’s submission, the Court **FINDS** that Defendant’s counsel have failed to make a persuasive showing of cause for the baseless filing of the Motion to Strike. The Court remains convinced that the legal rationale put forth for the Motion “is utterly without foundation.” Order Denying Defendant’s Motion to Strike at 2. The Court cannot credit the representation that the Motion “was not presented in a baseless manner, devoid of any inquiry or with any design to cause harassment or delay of the case.” Defendant’s Memorandum Showing Cause at 5.

Defendant's counsel shall pay the sanctions previously imposed to Plaintiff's counsel within ten (10) days of the date of this Order.

SO ORDERED.

/s/ Gene Carter

GENE CARTER
Senior District Judge

DATED at Portland, Maine this 29th day of September, 2004.

Plaintiff

NICHOLAS CATRUCH

represented by **RICHARD L. O'MEARA**
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V.

Defendant

PICTURE PEOPLE

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