

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**LIGHTSPEED MEDIA CORPORATION,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** ) **CIVIL NO. 12-889-GPM**  
 )  
 **ANTHONY SMITH, et al.,** )  
 )  
 **Defendants.** )

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

Under 28 U.S.C. §1927, “an 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.” *Kotsilieris v. Chalmers*, 966 F.2d 1181, 1183 (7th Cir. 1992). While there is no catch-all definition for either ‘unreasonably’ or ‘vexatiously,’ the Seventh Circuit has upheld sanctions under this statute when counsel acted recklessly, raised baseless claims despite notice of the frivolous nature of these claims, or otherwise showed indifference to statutes, rules, or court orders. *Id.* at 1184. Now before this Court is Defendant’s motion for attorney fees because Plaintiff raised baseless claims despite knowledge those claims were frivolous and pressed for a meritless ‘emergency’ discovery hearing (Doc. 61). The Court agrees with Defendant. The litigation smacked of bullying pretense. The Court has read all the papers and is particularly informed by the in-court hearing on Plaintiff’s “emergency” motion held before the undersigned (Doc. 23). The motion for attorney

fees made pursuant to 28 U.S.C. §1927 is **GRANTED**. Defendant Anthony Smith is **ORDERED** to file an itemization of fees on or before November 8, 2013.

**IT IS SO ORDERED.**

**DATED:** October 30, 2013

*/s/ G. Patrick Murphy*  
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G. PATRICK MURPHY  
United States District Judge