

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF WINCHESTER

ESTHER P. SWEET

Plaintiff

v.

Case No: CL-18-452

MICHAEL L. SWEET, JR.

Defendant

MOTION FOR SANCTIONS

COMES NOW the Plaintiff, by counsel, who moves the Court pursuant to Virginia Code Section 8.01-271.1, to sanction the Defendant. In support thereof, Plaintiff states as follows:

1) On May 28, 2019, Defendant filed a pleading with the Court titled Motion for Justice, Motion to Reconsider, Motion to Appeal Order and Grievance of Court.

2) Pursuant to Virginia Code Section 8.01-271.1, when an attorney or a *pro se* litigant signs his name to a pleading he is certifying that he has read the pleading, that it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

3) The Defendant's Motion contained the following salacious and defamatory comment about the Plaintiff, which was not based in fact, and was clearly stated for an improper purpose:

"To be totally honest, Fitness looks more like the profession of Prostitution than anything else. For all we know, the Plaintiff was slinging HandJobs in the locker room while the kids were in childcare".

4) Defendant's Motion further references Plaintiff's anatomy and suggests that the Court assign a value to her "butt".

5) Throughout Defendant's Motion he accused Plaintiff's counsel of repeatedly lying to the Court.

6) In his May 28, 2019 email accompanying his Motion, the Defendant threatens prosecution of Plaintiff's counsel. The Defendant inexplicably sent a copy of his Motion to the Federal Bureau of Investigation.

7) The Court has already denied the Defendant's first Motion (in letter form) to reconsider.

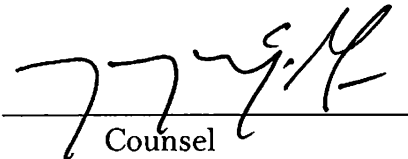
8) The Court directed Plaintiff's Counsel to draft the Final Order consistent with the Court's Findings of Fact and Conclusions of law. The Final Order was drafted and sent to the Defendant for his review. The Defendant refused to sign the Order necessitating further Court appearance and increased litigation costs.

WHEREFORE, Plaintiff requests that the Court sanction the Defendant pursuant to Virginia Code Section 8.01-271.1 and award Plaintiff her attorney fees and costs incurred in this matter.

Respectfully submitted,

ESTHER P. SWEET

By:


Counsel

James J. McGuire, Esquire [VSB#36239]
Peter W. Buchbauer, Esquire
Lawrence P. Vance, Esquire
Christopher E. Collins, Esquire
BUCHBAUER & MCGUIRE, P.C.
110 North Braddock Street
Winchester, Virginia 22601
540-722-2300 Telephone
540-722-3174 Facsimile
jmcguire@buchbauermcguire.com
Counsel for Plaintiff