UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WADE ROBERTSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action No. 11-1919 (ESH)**
	)	
WILLIAM C. CARTINHOUR, JR., *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION & ORDER

By Memorandum Opinion issued on August 10, 2012, this Court determined that sanctions against Ty Clevenger under 28 U.S.C. § 1927 were appropriate given Clevenger's conduct in the above-captioned case. *Robertson v. Cartinhour*, No. 11-cv-1919, 2012 U.S. Dist. LEXIS 112289, at *18 (D.D.C. Aug. 10, 2012). Pursuant to the Court's Order, defense counsel submitted documentation for the period February 25, 2011, through March 21, 2012, to support an award of $10,211.92 in expenses and $113,590.25 in attorney's fees. (Praecipe (Dkt. No. 118.)

In response, Clevenger objects to the award of sanctions solely on the legal grounds that a lawyer should not be sanctioned under § 1927 when "he merely accede[d] to his client[ ] [Wade Robertson's] wishes to continue a nonmeritorious claim." (Objection to the Court's Proposed Sanctions Order (Dkt. No. 119) ("Clevenger's Opp'n") (quoting *Hilton Hotels v. Banov*, 899 F.2d 40, 45 fn. 9 (D.C. Cir. 1990).) In support, Clevenger has submitted Wade Robertson's affidavit attesting to the fact that he "insisted that . . . [Clevenger] continue prosecuting this case . . . ." and that Robertson "believe[d] this case to be meritorious." (Clevenger's Opp'n., Ex. 1.)

Cartinhour has filed a reply. (William Cartinhour's Reply to Ty Clevenger's August 24, 2012 Pleading (Dkt. No. 120).)

Based on the record before the Court, as well as for the reasons stated in its Memorandum Opinion of August 10, 2012, the Court concludes that Clevenger has not raised any issue as to the reasonableness of the fees and costs, but instead, he relies on the erroneous assumption that he cannot be liable for sanctions under § 1927 if he accedes to his client's wishes to continue a nonmeritious claim. This response is both factually and legally wrong.

First, it is clear from this Court's opinion that Clevenger cannot hide behind Robertson. His own conduct constituted "bad faith and [an] utter disregard for the judicial system." *Robertson*, 2012 U.S. Dist. LEXIS 112289, at *18. It was Clevenger's needless filings and pattern of groundless and vexatious litigation, whether at Robertson's behest or not, that contributed to wasted time and resources by Cartinhour and the Court. In addition, as defendant correctly argues, *Hilton Hotels* does not immunize a lawyer from § 1927. After the jury rendered its verdict, Clevenger had no good faith basis to proceed with Robertson's outlandish legal and factual positions, nor can he justify his actions by claiming that he had to "appease [his] client[]." *In re TCI Ltd.*, 769 F.2d 441, 447 (7th Cir. 1985). In short, *Hilton Hotels*, which was a Rule 11 case, not a § 1927 case, does not help Clevenger. No matter how stringent a standard is imposed, *see United States v. Wallace*, 964 F.2d 1214, 1218-19 (D.C. Cir. 1992), and *LaPrade v. Kidder Peabody & Co.*, 146 F.3d 899, 905 (D.C.Cir.1998), Clevenger has violated that standard and sanctions are warranted.

Accordingly, the Court awards sanctions in the sum of $123,802.17 ($113,590.25 for fees

and $10,211.92 for costs) to be paid on or before September 30, 2012.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: August 30, 2012