

**UNITED STATES DISTRICT FOR
THE DISTRICT OF MASSACHUSETTS**

**NEW SENSATIONS, INC.
PLAINTIFF**

CA. 1:12-CV-10944

V.

**DOES 1 – 80
DEFENDANTS**

**MOTION FOR SANCTIONS UNDER FEDERAL
RULES OF CIVIL PROCEDURE, RULE 11 (C) (2)**

Now comes the Defendant, John Doe 38, in the above-cited matter and prays that his Honorable Court award including fees and costs, for the failure of Plaintiff, New Sensations, Inc. from attending scheduled motion hearings on at 10:30am, on September 13, 2012 at the U.S. District Court (Massachusetts), Marianne Bowler, Justice, presiding.

As reasons therefore, John Doe 38 notes that his counsel was in attendance for Defendant's Motion to Quash Subpoena. Defendant further notes that he was advised that Plaintiff's counsel could not be located causing the hearing to be scheduled.

A reconciliation of costs and affidavit are attached as exhibits 1 and 2.

Respectfully submitted,
For the Defendant, John Doe 38
By his Attorney,
/s/ _____
George P. van Duinwyk, Esquire, MFA
BBO #: 646464
386 High Street
Fall River, MA 02720
508-672-4477
dutch511@verizon.net

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2012, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.

George van Duinwyk

Date: _____

**UNITED STATES DISTRICT FOR
THE DISTRICT OF MASSACHUSETTS**

**NEW SENSATIONS, INC.
PLAINTIFF**

CA. 1:12-CV-10944

V.

**DOES 1 – 80
DEFENDANTS**

AFFIDAVIT OF ATTORNEY

1. My name is George van Duinwyk;
2. I am the attorney of record for John Doe 38 in the above cited matter;
3. On September 13, 2012, I attended a motion hearing on the Quashing of Plaintiff's Subpoena;
4. I was fully prepared to argue in opposition to Plaintiff's Subpoena;
5. The court was called to order at 10:30am by the clerk;
6. The Magistrate Judge announced that Plaintiff could not be reached;
7. The Magistrate Judge announced that another date would be needed for argument on Plaintiff's motion;
8. October 25, 2012 at 10:00am was chosen and the court was in recess.

Signed under the pains and penalties of perjury.

George van Duinwyk

Date: _____

**UNITED STATES DISTRICT FOR
THE DISTRICT OF MASSACHUSETTS**

**NEW SENSATIONS, INC.
PLAINTIFF**

CA. 1:12-CV-10944

V.

**DOES 1 – 80
DEFENDANTS**

MOTION FOR FEES AND COSTS

Now comes the Plaintiff in the above-cited matter and moves this Honorable court to access fees and costs for the scheduling of a Motion to Compel Discovery:

Preparation of Motion To Compel	2.0	200.00	400.00
Court appearance	1.0		200.00
Travel	2.0		400.00
Parking Fee			<u>20.00</u>
			<u>\$1020.00</u>

Respectfully submitted,
The Defendant,
By his Attorney,

George Paul Van Duinwyk, Esq., MFA
386 High Street
Fall River, MA 02720
Telephone: (508) 672-4477
BBO#646464

Date: _____