

Exhibit G



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED,

Plaintiff,

v.

Case No. 2: 08-cv-10005
Honorable Paul D. Borman
Magistrate Judge Steven R. Whalen

THOMAS A. DAVIS, JR., in his official capacity as Director of Texas Department of Public Safety, JENNIFER GRANHOLM, in her official capacity as Chairperson of the State of Michigan Administrative Board, LEONARD REZMIERSKI, in his official capacity as Northville Public Schools Superintendent, SANDRA HARRIS, in her official capacity as former Lincoln Consolidated Public Schools Superintendent, and FRED J. WILLIAMS, in his official capacity as Lincoln Consolidated Public Schools Superintendent,

Defendants.

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DEFENDANTS, SANDRA HARRIS AND FRED WILLIAMS',
MOTION FOR SANCTIONS

NOW COME DEFENDANTS, Dr. Sandra Harris and Fred Williams, by and through their attorneys, Plunkett Cooney, and for their motion for sanctions pursuant to Fed. R. Civ. P. 11, state as follows:

1. This lawsuit involves a breach of contract action; whereby, Plaintiff David Schied (hereinafter "Plaintiff"), alleges he was wrongfully terminated from employment with the Lincoln Consolidated Public Schools.

2. Defendants, Dr. Sandra Harris and Fred Williams (hereinafter "Defendants"), have filed a Motion for Summary Judgment as this action is barred by the doctrines of res adjudicata and collateral estoppel.

3. It is also clear that sanctions are warranted pursuant to Fed. R. Civ. P. 11.

4. Fed. R. Civ. P. 11 provides sanctions against parties or attorneys for frivolous actions.

5. Notably, Federal courts in the eastern district have awarded rule 11 sanctions for claims clearly barred by res judicata. See *Meijer v Green*, 2007 WL 2909418 (Ed. Mich, 2007); *EB-Brand Productions, Inc., v Ritchie*, 2006 WL 2811614 (E.D. Mich, 2006).

6. Accordingly, it is clear that this honorable court should grant sanctions pursuant to Fed. R. Civ. P. 11.

7. Concurrence was sought from Plaintiff's counsel pursuant to Local Rule 7.1, but was not received.

WHEREFORE, Defendants, Dr. Sandra Harris and Fred Williams, ask this Honorable Court to access sanctions pursuant to Fed. R. Civ. P. 11.

Respectfully submitted,

/s/Marc D. McDonald

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Dated: April 7, 2008

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DAVID SCHIED,

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Honorable Paul D. Borman

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DEFENDANTS SANDRA HARRIS AND FRED WILLIAMS'
BRIEF IN SUPPORT OF THEIR MOTION FOR SANCTIONS

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STATEMENT OF ISSUES PRESENTED

Are Defendants entitled to sanctions pursuant to F.R.C.P. 11?

Plaintiff says "no."

Defendant says "yes."

I. FACTUAL OVERVIEW

This lawsuit involves a breach of contract action; whereby, Plaintiff, David Schied (hereafter "Plaintiff"), alleges he was wrongfully terminated from employment with Lincoln Consolidated Schools. However, Plaintiff is barred by the doctrines of res judicata and collateral estoppel. Therefore, sanctions are warranted as a matter of law.

II. LEGAL ARGUMENT

A. Sanctions Are Warranted Pursuant To Fed. R. Civ. P. 11

Fed. R. Civ. P. 11 provides sanctions against parties or attorneys for frivolous actions. Specifically, Rule 11 states:

If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

See Fed. R. Civ. P. 11.

Federal courts in the eastern district have awarded rule 11 sanctions for claims clearly barred by res judicata. See *Meijer v Green*, 2007 WL 2909418 (Ed. Mich, 2007), (unpublished opinion, attached as Exhibit A); *EB-Brand Productions, Inc., v Ritchie*, 2006 WL 2811314 (E.D. Mich, 2006), (unpublished opinion, attached as Exhibit B, respectively).

In this case, Plaintiff not only litigated the prior issues in one separate action, but in two separate state court actions both of which were appealed to the Michigan Court of Appeals. Accordingly, this lawsuit provides the textbook example of a claim that is barred by both res judicata and collateral estoppel. Since there is absolutely

no basis for this case, this Honorable Court should award sanctions pursuant to Rule 11 against both Plaintiff and Plaintiff's counsel.

WHEREFORE, Defendants, Dr. Sandra Harris and Fred Williams, ask this Honorable Court to grant their Motion for Sanctions.

Respectfully submitted,

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Dated: April 7, 2008

CERTIFICATE OF SERVICE

I, Marc McDonald, as counsel in this case for Defendants Sandra Harris and Fred J. Williams, hereby certify that on April 7, 2008, a copy of the foregoing Motion for Sanctions, Brief in Support and Certificate of Service were filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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