

In the United State District Court
Southern District of Florida

Case No. 1:16-cv-20001-FAM

Warren Redlich,
Plaintiff,

v.

Craig Leen, individually and as City Attorney for the City of Coral Gables, the City of Coral Gables, the Coral Gables Police Department, Edward Hudak individually and as Police Chief, Officers Alejandro Escobar, Augustin Diaz, Joel Rios, and John Doe #1-42, The Reyes Law Firm, PA, Israel U. Reyes and Manuel A. Guarch, Katherine Fernandez Rundle, individually and as State Attorney of the 11th Judicial Circuit, and Assistant State Attorneys James Roe #1-4 individually, and Officers Robert Moe #1-4, of the Miami-Dade County Police Department.

Defendants,
_____ /

MEMORANDUM IN OPPOSITION TO RULE 11 MOTION

PLAINTIFF WARREN REDLICH, pro se, files this Memorandum in opposition to the Rule 11 motion by the Coral Gables defendants.

Introduction

Initially Plaintiff refers the Court to his Memorandum in opposition to the Coral Gables defendants' motion to dismiss. Their Rule 11 motion ignores all the arguments set forth in that memo, which was filed 9 days before their Rule 11 motion.

The Court should be aware that after defense counsel sent the Rule 11 threat letter, there was an e-mail exchange where Plaintiff referred defense counsel specifically to City of Indianapolis v. Edmond, 531 U.S. 32 (2000) and Bressi v. Ford, 575 F.3d 891 (9th Cir. 2009). Defense counsel also ignored these e-mails and did not change the Rule 11 motion in any apparent way to address these issues. Indeed the motion as filed still contains the “[Safe Harbor Draft]” language at the top.

The Court should further be aware, as mentioned in the opposition memo, that the “Berman memo” explicitly acknowledges issues raised by Plaintiff “will most certainly only be resolved through litigation.” Berman memo, Exhibit 1, at 2 (meaning of § 322.15), and 4 (refusing to roll down window). Berman further acknowledges Plaintiff’s central point in opposition to the motion to dismiss:

This, of course, assumes that the checkpoint guidelines are otherwise in compliance with the prerequisites set forth by the Supreme Courts of the United States and the State of Florida.

Id at 13.

In our e-mail exchange I warned defense counsel: “At this point I simply note that any Rule 11 motion you might make would itself be subject to Rule 11 sanctions, without need for me to make a motion on that ground.” E.g. Bond v. American Medical Ass’n, 764 F. Supp. 122, 126 n.3 (N.D. Ill. 1991); Foy v. First Nat’l Bank, 868 F.2d 251, 258 (7th Cir. 1989). See also Riccard v. Prudential Ins. Co., 307 F.3d 1277, 1293-1296 (11th Cir. 2002).

I’ve never been much for making sanctions motions. I leave that to the Court.

Conclusion

The Rule 11 motion should be denied.

Respectfully Submitted,

s/

Warren Redlich, Florida Bar 96696
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Dated: Wednesday, March 30, 2016