

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KATIE ROMANO,

Plaintiff,

v.

Case No. 6:23-cv-1293-RBD-EJK

TD BANK N.A.; TARGET
ENTERPRISE, INC.; and RAS
LAVAR LLC,

Defendants.

ORDER

Before the Court are the parties' responses to the Court's Order to Show Cause (Doc. 39 ("OSC")). This Order memorializes the Court's oral pronouncements during the recent Show Cause Hearing. (Doc. 57.)

BACKGROUND

In this now-closed Fair Debt Collection Practices Act case (*see* Doc. 58), the parties were required to jointly file a Case Management Report ("CMR"). *See* Local Rule 3.02(a)(2); (*see also* Doc. 6, p. 2.) But defense counsel unilaterally filed a CMR without the participation of Plaintiff's counsel, Paul Wersant. (*See* Doc. 37.) So on November 13, 2023, the Court ordered Wersant to show cause why he should not be sanctioned for not helping to prepare a joint CMR. (Doc. 39.) The Court also struck the unilateral CMR and ordered that a joint CMR be filed within two days.

(*Id.*)

On November 15, the parties filed a joint CMR. (Doc. 42.) But that same day—when his OSC response was due—Wersant filed a last-minute, “time-sensitive” motion to extend his response time by two days. (Doc. 41.) In his motion, he claimed that he needed more time to gather evidence of opposing counsel’s own wrongdoings. (*Id.* ¶ 6.) The Court reluctantly granted the extension but explicitly warned Wersant not to blame opposing counsel for his own actions in his response. (Doc. 44.) The new deadline, November 17, came and went, but Wersant did not respond to the OSC. So the next Monday, November 20, the Court *sua sponte* gave Wersant one more day to respond. (Doc. 44.)

The next day, Wersant filed a combative and defensive response to the OSC and, despite the Court’s clear instructions, blamed opposing counsel. (Doc. 47; *see* Doc. 44.) So the Court scheduled a Show Cause Hearing for December 7, requiring all attorneys in the case to appear in person and show cause why they should not be sanctioned. (Doc. 48.)

The day before the hearing, Wersant filed another “time-sensitive” motion to continue the hearing because of conflicts in Georgia state court. (Doc. 52.) Wersant represented that opposing counsel “consent[s] to or do[es] not oppose the continuance” (*id.* at 4), but opposing counsel refuted this, citing evidence that Wersant knew about this conflict weeks before (Doc. 53; *see* Doc. 53-1, pp. 4-5).

And the day of the Show Cause Hearing, Wersant filed yet another “time-sensitive” motion, this time to appear telephonically. (Doc. 54.) The Court denied both “time-sensitive” motions. (Doc. 56.) Finally, Wersant failed to appear for the Show Cause Hearing. (*See* Doc. 57.)

STANDARDS

A federal court’s inherent powers include “the ability to fashion an appropriate sanction for conduct which abuses the judicial process.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–45 (1991). “[I]n order for a court to impose a sanction pursuant to its inherent authority, it must make a finding that the sanctioned party acted with subjective bad faith.” *Hernandez v. Acosta Tractors Inc.*, 898 F.3d 1301, 1306 (11th Cir. 2018). In addition to inherent powers sanctions, courts may, after a hearing and for good cause, disbar, suspend, reprimand, or otherwise discipline a member of the Middle District bar or a lawyer appearing by special admission. Local Rule 2.04(a).

ANALYSIS

As a member of the Florida Bar and an officer of the Court, Wersant’s conduct is unacceptable. This is not the first time he has frivolously filed a “time-sensitive” motion to dig himself out of overcommitments or scheduling conflicts. *See, e.g., IOU Central, Inc. v. Fines Enters. Inc.*, No. 6:20-cv-1893 (M.D. Fla. Aug. 9, 2021) (Wersant was admonished by U.S. Magistrate Judge Leslie Hoffman Price

for filing a “time-sensitive” motion because of circumstances of his own making). And far from being a true emergency, Wersant knew about this conflict two weeks before the hearing, yet only filed his motion to continue the day before. (*Compare* Doc. 52, pp. 1–2, *with* Doc. 53-1, pp. 4–5.) Meanwhile, defense counsel spent its resources and time traveling to Orlando for the hearing, only to find out mid-travel that Wersant likely would not show. (*See* Doc. 53.) And to top it all off, Wersant filed a motion to appear telephonically mere hours before the hearing. (*See* Doc. 54.) What did he expect would happen?

The Court finds that Wersant’s failure to appear for the Show Cause Hearing, failure to timely respond to the Court’s OSC even after multiple extensions, failure to accurately depict opposing counsel’s position in the Rule 3.01(g) certification and apparent repeated failure to fully cooperate under Rule 3.01(g), and combative and defensive response to this Court’s OSC—itsself violative of this Court’s orders—constituted bad faith conduct. So Wersant must compensate defense counsel for their travels and time spent away from the office to attend the hearing he ignored.¹ The case will also be referred to the Grievance Committee for the Middle District of Florida, Orlando Division, to further evaluate Wersant’s misconduct. *See* Local Rule 2.04(c)(4)(A).

¹ The Court specifically found at the hearing that defense counsel had committed no misconduct.

Wersant must learn that the Court will not accommodate his self-made “emergencies.” His *chutzpah* disrespects the Court and will not be tolerated.

Accordingly, it is **ORDERED AND ADJUDGED**:


1. The Order to Show Cause (Doc. 39) is **DISCHARGED**.
2. Attorney Paul Gerard Wersant, Esq. is **SANCTIONED** in that he must reimburse defense counsel for the costs of their travel and reasonable attorney’s fees for their time away from the office for the hearing:
 - a. At the hearing, the Court directed Attorneys Barbara Fernandez, Esq. and Keith Robert Lorenze, Esq. to file a notice regarding the itemization of travel costs and reasonable compensation to be paid by **Monday, December 18, 2023**. The Court will review the notice for approval.
 - b. Within **fourteen (14) days** of the Court’s approval of this notice, Attorney Wersant is **DIRECTED** to remit payment to Attorneys Fernandez and Lorenze.
3. The Clerk is **DIRECTED** to post a copy of this Order on the Court’s website and to provide copies to the Florida Bar.
4. This matter is **REFERRED** to the Grievance Committee for the Middle District of Florida, Orlando Division, for a recommendation

concerning further sanctions for the totality of Attorney Wersant's conduct.

5. The file is to remain closed.

DONE AND ORDERED in Chambers in Orlando, Florida, on December 18, 2023.




ROY B. DALTON, JR.
United States District Judge