

diverted" payments to Bibby that are rightfully owed to Bizzare. (Bizzare's Resp. Ex. A.) Bibby claims that DeMarinis' comments are "opinion, legal conclusions, conjecture, and speculation . . . [that] are irrelevant to any fact currently at issue," and should be disregarded by this Court in adjudicating Bibby's Motion to Dismiss. (Bibby's Mot. to Strike p. 2.) Since this Court, on May 14, 2002, denied Bibby's Motion to Dismiss, we find Bibby's request to strike as untimely and dismiss its motion as moot.

Responding to Bibby's motion to strike, Bizzare included a cross-claim for sanctions alleging that Bibby's motion is vexatious and seeks to increase litigation costs unreasonably. Pursuant to 28 U.S.C. § 1927, a court, within its discretion, may order that:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

28 U.S.C. § 1927. These sanctions "are intended to deter an attorney from intentionally and unnecessarily delaying judicial proceedings." LaSalle National Bank v. First Connecticut Holding Group, L.L.C., 287 F. 279, 288 (3d Cir. 2001). However, a court must exercise great caution and impose sanctions only "in instances of a serious and studied disregard for the orderly

process of justice." Ford v. Temple Hospital, 790 F.2d 342, 347 (3d Cir. 1986). Although we dismiss Bibby's Motion to Strike as moot, we are not presented with sufficient evidence demonstrating that Bibby intentionally acted to disrupt or delay this litigation. Thus, we do not find that sanctions are warranted.

Accordingly, based on the reasons set forth above, Bibby's Motion to Strike is **DISMISSED AS MOOT** and Bizzare's Cross-Motion for Sanctions is **DENIED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.