

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA TOLL,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	NO. 04-2399
v.	:	
	:	
AMERICAN AIRLINES, INC. and	:	
ASSOCIATION OF PROFESSIONAL	:	
FLIGHT ATTENDANTS,	:	
	:	
Defendants.	:	

**MEMORANDUM**

BUCKWALTER, S.J.

March 21, 2005

Plaintiff has filed two motions for reconsideration of this court's order of January 19, 2005. Both motions will be denied, and the court will award fees and costs, hereafter, pursuant to its January 19, 2005 order.

Initially, it should be noted that the motion to reconsider the dismissal on the merits is untimely. But, inasmuch as the court gave plaintiff until February 14, 2005 to respond to defendants' bill for counsel fees, that motion will be considered by the court.

Even if the court did consider the amended motion to reconsider the court's dismissal order on the merits, nothing new is added for the court's consideration other than plaintiff's failure to remember the prior order of September 24, 2002, which she violated. This clearly is no basis for reconsidering the January 19, 2005 order of dismissal.

In her argument that counsel fees and costs should not be awarded, plaintiff correctly points out that one of the goals of Rule 11 is to correct litigation abuse and that sanctions should be

imposed only in exceptional circumstances. With that in mind, I will nevertheless impose sanctions in this case because the order of this court of September 24, 2002 clearly states as follows:

In seeking leave of court to file any future lawsuit against American Airlines, or its current or former employees, plaintiff must certify that the claims she wishes to present are new claims, based on new facts, which have never before been raised and disposed of on the merits by any federal court. Upon a failure to certify or upon a false certification, plaintiff may be found in contempt of court and punished accordingly.

Plaintiff was obliged to follow that order and simply stating that she did not remember the order and after a diligent search could not find a copy of it does not, in light of the history of plaintiff's filings against defendants, represent an adequate reason to abuse the litigation system by filing yet another lawsuit which she agrees refers to at least in part to facts previously litigated.

The sanctions imposed are intended to prevent litigation abuse and to uphold the prior orders of courts dealing with the conditions under which plaintiff may file suit against these defendants. The entire fees and costs requested will not be granted since I believe that would be too harsh at this time.

An order follows.

