

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 19-CV-25100-DLG

ALAN WIEGAND and KIMBERLY SCHULTZ-
WIEGAND, Individually and as Personal
Representatives of the Estate of Chloe
Wiegand, deceased minor,

Plaintiffs,

v.

ROYAL CARIBBEAN CRUISES LTD.,

Defendant.

ORDER

THIS CAUSE comes before the Court sua sponte to address what the Court characterizes as unprofessional language contained in the Plaintiffs' Motion for Partial Summary Judgment [D.E. 128], Defendant's Response to Plaintiffs' Motion for Partial Summary Judgment [D.E. 146], Plaintiffs' Motion for Sanctions [D.E. 129], Defendant's Response to Plaintiffs' Motion for Sanctions [D.E. 148], and Plaintiffs' Response to Defendant's Motion for Summary Judgment [D.E. 153].

The Florida Bar Oath of Admission, which every attorney licensed in the state of Florida swears to obey, states in part,

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications. I will abstain from all offensive personality and advance no

fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.

The Florida Bar's Creed of Professionalism provides further clarity on the manner in which attorneys should conduct themselves in the practice of law. It states, in part, "I will abstain from all rude, disruptive, disrespectful, and abusive behavior and will at all times act with dignity, decency, and courtesy."

Upon review of the record and the parties' filings, this Court notes that the conduct displayed by counsel for both Plaintiffs and Defendant runs afoul of the tenets of professionalism set forth by the Florida Bar. Of particular concern are the Plaintiffs' Motion for Partial Summary Judgment [D.E. 128], Defendant's Response to Plaintiffs' Motion for Partial Summary Judgment [D.E. 146], Plaintiffs' Motion for Sanctions [D.E. 129], Defendant's Response to Plaintiffs' Motion for Sanctions [D.E. 148], and Plaintiffs' Response to Defendant's Motion for Summary Judgment [D.E. 153].

First, Plaintiffs dedicate an entire section of their Motion for Partial Summary Judgment to what they entitled "ROYAL CARIBBEAN'S EGREGIOUS POST-INCIDENT CONDUCT." They accuse the Defendant of "lying to authorities," "attempting to deceive this Honorable Court," and engaging in, "corporate misconduct [which]... appears to know no bounds" [D.E. 128]. Plaintiffs further accuses

Defendant's Captain of lying to the U.S. Coast Guard, and state that the Defendant "doubled down on the Captain's lie to the Coast Guard by again lying to a United States Federal District Court." Plaintiffs further claim that Defendant's 'lies' were "the genesis of the Puerto Rican authorities ultimately pressing (baseless) criminal charges against Mr. Anello," and ultimately accuse the Defendant of making "merciless efforts to frame an innocent man, intentionally destroy evidence, and mislead this Honorable Court (and the U.S. Coast Guard and the Puerto Rican authorities)."

Similarly, in response to Defendant's Motion for Summary Judgment, Plaintiffs continue to accuse the Defendant of lying [D.E. 153]. They make reference to "the disingenuously evolving nature of Defendant's false narratives," and state, "Royal Caribbean's ever-changing stories have consisted of Royal Caribbean lying to authorities, attempting to deceive this Honorable Court, and destroying critical CCTV evidence specifically requested by Plaintiffs' counsel and the U.S. Coast Guard." In addition to the unprofessional tone, Plaintiffs have sufficiently raised their arguments regarding the destruction of evidence, and the Ship Captain's inconsistent statements, in their motion for sanctions. These allegations are wholly unrelated to the substance of Plaintiffs' Motion for Partial Summary Judgment, or their Response to Defendant's Motion for Summary Judgment, and seem to have been reiterated in these filings solely for the

inflammatory purpose of painting the Defendant in a negative light. The aforementioned filings read like a fictional novel or a script from a tabloid *Jerry Springer* television show.

The Court is also concerned about the language contained in Plaintiffs' Motion for Sanctions, in which they argue the Defendant's strategy is to, "Blame Chloe's grandfather (non-party, Salvatore Anello); 2. Lie to authorities, and 3. Destroy evidence specifically requested by Plaintiffs' counsel and the Coast Guard" [D.E. 129]. Plaintiffs titled the first subsection of their motion "ROYAL CARIBBEAN'S LIES TO THE COAST GUARD".

Defendant, in response to Plaintiffs' Motions, mirrors the Plaintiffs' tone, stating, "[i]t strains credulity that Plaintiffs' counsel filed this motion out of a genuine belief that meritorious grounds exist to support summary judgment" [D.E. 146]. Defendant went on to describe Plaintiffs' Motion as, "beyond disingenuous," and "a salacious, unfounded and libelous hit piece." Defendant then doubled down on these insults by accusing Plaintiffs' counsel of engaging in "highly questionable" tactics in pursuing their claims, and stated in response to Plaintiffs' Motion for Sanctions, "its strains credulity the motion was based on a genuine belief that any sort of relief is warranted, much less a relief for sanctions."

As evidenced above, these filings are riddled with inflammatory language and insults directed at the parties and their counsel. A professional pleading does not cast aspersions toward attorneys, parties, or witnesses. The attorneys in this matter seem to have disregarded the tenets of professionalism and ethical conduct set forth by the Florida Bar Oath of Admission and Creed of Professionalism.

Accordingly,

It is hereby

ORDERED AND ADJUDGED that Plaintiffs' Motion for Partial Summary Judgment [D.E. 128], Defendant's Response to Plaintiffs' Motion for Partial Summary Judgment [D.E. 146], Plaintiffs' Motion for Sanctions [D.E. 129], Defendant's Response to Plaintiffs' Motion for Sanctions [D.E. 148], and Plaintiffs' Response to Defendant's Motion for Summary Judgment [D.E. 153] are hereby **STRICKEN**. The parties are directed to refile the above-referenced pleadings within five (5) days, omitting the inappropriate language. The parties are further directed to remain mindful of the ethical and professional expectations placed on all members of the Florida Bar, as set forth in the Florida Bar Oath of Admission and Creed of Professionalism, as well as the decorum demanded of all litigants before this Court.

It is further,

ORDERED AND ADJUDGED that the attorneys who prepared and filed the Plaintiffs' Motion for Partial Summary Judgment [D.E. 128], Defendant's Response to Plaintiffs' Motion for Partial Summary Judgment [D.E. 146], Plaintiffs' Motion for Sanctions [D.E. 129], Defendant's Response to Plaintiffs' Motion for Sanctions [D.E. 148], and Plaintiffs' Response to Defendant's Motion for Summary Judgment [D.E. 153] shall, within 10 days, submit filings to the Court discussing whether this Court should refer this matter to the United States District Court for the Southern District of Florida's Committee on Attorney Admissions, Peer Review, and Attorney Grievance.

DONE AND ORDERED in Chambers at Miami, Florida, this 20th day of April, 2021.

s/ Donald L. Graham
DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record