

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

COTTRELL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-01161-JZL
)	
J. NIGEL ELLIS, DYNAMIC SCIENTIFIC)	
CONTROLS, INC., ELLIS LADDER)	
IMPROVEMENTS, INC., and)	
ELLIS LITIGATION SUPPORT SERVICES,)	JURY DEMANDED
)	
Defendants.)	

DEFENDANTS’ MOTION FOR ATTORNEYS’ FEES AND COSTS

COMES NOW Defendants J. Nigel Ellis, Dynamic Scientific Controls, Inc., Ellis Ladder Improvements, Inc., and Ellis Litigation Support Services (collectively, “Ellis” or “Defendants”), by and through their undersigned attorneys, and for their Motion for Attorneys’ Fees and Costs, state as follows:

1. An action involving the same claims against the same defendants was previously pending in the Southern District of Illinois and was voluntarily dismissed by Plaintiff.
2. Defendants are entitled to an award of costs pursuant to F.R.C.P 41(d) because Plaintiff has re-filed that action in this Court.
3. Defendants are entitled to attorneys’ fees under F.R.C.P. 41(d) because Plaintiff acted in bad faith in the dismissal and re-filing of its claims.
4. Defendants are entitled to an award of attorneys’ fees pursuant to the Court’s inherent authority to order an award of fees because Plaintiff acted in bad faith by

knowingly filing its claims in an improper venue and inflicting unnecessary costs on Defendants.

5. Defendants' Memorandum in Support of its Motion for Attorneys' Fees and Costs is incorporated by reference herein.

WHEREFORE, Defendants pray that this honorable Court grant them an award of attorneys' fees and costs, and further pray for any and all further relief to which they may be entitled.

Respectfully Submitted,

SmithAmundsen, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2013, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following:

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