

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SEAN JOHNSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-868-M
)	
GOVERNMENT EMPLOYEES)	
INSURANCE COMPANY,)	
)	
Defendant.)	

ORDER

On March 4, 2008, plaintiff and his counsel filed a Motion for Protective Order Directing Defendant’s Counsel to Cease Offensive and Unprofessional Attacks on Plaintiff’s Counsel and Interference with the Law Practice of Wilson, Cain & Acquaviva [docket no. 50]. Attached to that motion were various unprofessional letters from Gerard Pignato, defendant’s counsel, to plaintiff’s counsel, David Bernstein and Joseph T. Acquaviva, Jr. For example, in an August 10, 2007 letter to Mr. Bernstein, Mr. Pignato wrote:

I am in receipt of your second fax to me of August 9, 2007, in the above case. Please stop the charade. Your self-serving comments are putting me to sleep.

There are people out there who work hard every day – like teachers, coaches, policemen, and firemen – and who make a difference in peoples’ lives every day. They live on a meager existence. Then, there are people like you who seem to thrive on creating havoc. People like you have no intention of making the world a better place to live. Their only interest is in making lots of money for themselves.

Please spare me your phony sermons. I do not want any more of your self-serving letters; save the paper.

August 10, 2007 letter, attached as Exhibit 6 to plaintiff’s motion for protective order.

Further, on an August 9, 2007 letter, Mr. Pignato included the following handwritten comment:

Mr. Bernstein –


Can you not say anything in a page or less? Who are you? You're just a broker who refers difficult cases to experienced lawyers. You're a witness in this case. Be like a potted plant and sit quietly in the corner.

GFP

Handwritten note, attached as Exhibit 7 to plaintiff's motion for protective order.

Based upon the above communications by Mr. Pignato, as well as other communications referenced in plaintiff's motion for protective order, and the tone and content of various pleadings filed by Mr. Pignato, the Court held a show cause hearing on April 4, 2008, for Mr. Pignato to show cause why sanctions should not be entered in this case. Having heard from all counsel in this case, the Court finds that no monetary sanction should be imposed against Mr. Pignato. However, the Court finds that the following non-monetary sanction should be imposed against Mr. Pignato for his highly unprofessional communications with opposing counsel: Mr. Pignato is hereby DIRECTED within six (6) months of the date of this Order to submit to the Oklahoma Bar Journal for publication an article pertaining to civility and professionalism as they relate to adversary proceedings. Further, Mr. Pignato is directed to include in the article why he is writing the article and to write the article to younger/newer lawyers. Finally, Mr. Pignato is directed to provide the Court with a copy of said article when it is submitted to the Oklahoma Bar Journal.

IT IS SO ORDERED this 14th day of April, 2008.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE