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Yankwitt LLP Goes to the Mat to Recover Costs for its Hospitality Client; Firm Seeks Sanctions for Frivolous Lawsuit

Yankwitt LLP's relentless investigative work led the plaintiffs to move for voluntary dismissal of a frivolous racial discrimination lawsuit against Yankwitt LLP's client, Houston's Restaurant. Continuing to fight for its client, Yankwitt is now seeking sanctions, including attorneys' fees, from the plaintiff for refusing to withdraw the suit at the outset despite knowing it was meritless and repeated demands from Yankwitt LP that she does so. The *New Jersey Law Journal* recently reported on this case: '[Frivolous From the Start? Plaintiff Withdraws Racism Claims, But Restaurant Wants it to Pay.](#)'

As the law journal noted, the plaintiff is seeking to voluntarily dismiss her case without costs after Yankwitt LLP uncovered a "smoking gun" email that plaintiff's counsel had withheld during discovery. The email included the plaintiff's admission to being drunk on the night of the alleged discrimination, which she had denied during her deposition, thereby perjuring herself.

While the case should be dismissed with prejudice, Yankwitt LLP has opposed the plaintiff's motion seeking dismissal without costs. As Yankwitt LLP argued in its motion papers in federal court, "Houston's should be permitted to recover its costs – costs that Houston's was forced to needlessly expend defending this frivolous case which Plaintiffs knew to be frivolous."