

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

LIGHTSPEED MEDIA CORPORATION, CASE No. 3:12-CV-00889-GPM-SCW

Plaintiff,

Judge: Hon. G. Patrick Murphy

v.

Magistrate: Hon. Stephen C. Williams

ANTHONY SMITH, et al,

Defendants.

**JOHN STEELE’S MOTION TO VACATE OR, IN THE ALTERNATIVE, FOR
RECONSIDERATION OF THE ORDER GRANTING DEFENDANT’S MOTION FOR
ATTORNEYS’ FEES**

John Steele (“Steele”) hereby moves to vacate the Court’s Memorandum and Order granting Defendant Anthony Smith’s motion for attorneys’ fees or, in the alternative for reconsideration of the order as it relates to Steele, and respectfully submits as follows.

1. Defendant Smith’s motion for attorneys’ fees was never served on Steele, thus depriving Steele of notice or an opportunity to be heard with respect to the motion.

2. Defendant Smith failed to identify any specific behavior on Steele’s part that unreasonably or vexatiously multiplied these proceedings. The Seventh Circuit has instructed that Section 1927 liability is direct, not vicarious and Steele cannot be held liable for the behavior of any other attorney.

3. Defendant Smith has further failed to show how any act of Steele has imposed excess costs on him.

WHEREFORE, Steele asks that this Court vacate its Order granting Defendant Smith's motion for attorney's fees as to him, reconsider its Order as to him, and for such other and further relief as the Court deems just and proper under the circumstances.

Respectfully Submitted

DATED: November 4, 2012

By: /s/ John Steele
John Steele
1111 Lincoln Road Suite 400
Miami Beach, FL 33139
786-571-8131

Certificate of Service

I hereby certify that on this 4th day of November 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ John Steele