

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
VICKIE SMITH, <i>Personal Representative of</i>)	
<i>the Estate of William Smith,</i>)	
)	
Plaintiff-Relator,)	
)	Case No. 18-cv-2080 (APM)
v.)	
)	
ATHENA CONSTRUCTION GROUP, INC.,)	
)	
Defendant.)	
)	

ORDER

Relator’s counsel of record—all four of them—shall show cause by **August 1, 2025**, why the court should not impose sanctions and make a referral to relevant bar authorities for “knowingly mak[ing] a false statement of . . . law to a tribunal or fail[ing] to correct a false statement of . . . law previously made to the tribunal by the lawyer.” Model R. of Pro. Conduct 3.3(a)(1).

On July 23, 2025, counsel for Relator Vickie Smith filed an Opposition to Defendant Athena Construction Group, Inc.’s Motion to Continue Trial, ECF No. 187 [hereinafter Pl.’s Opp’n].¹ The opposition brief contains nine case citations. All nine raise serious ethical concerns. Four of the nine are cited for a false proposition of law. Four are accompanied by quotations that are fabricated. And one cited case simply does not exist and is supported with a fabricated quotation.

¹ Relator’s counsel also filed an errata on July 23, 2025, ECF No. 188. The case citations are the same as in the original.

Cases Cited for a False Proposition of Law

- *Simpkins v. Dist. of Columbia Gov't*, 108 F.3d 366, 370 (D.C. Cir. 1997) – cited for the assertion that “[c]ourts in this Circuit routinely reject motions premised solely on attorney argument.” Pl.’s Opp’n at 3.
- *Morris v. Slappy*, 461 U.S. 1, 11–12 (1983) – cited for the principle that “[a] party seeking a continuance due to unavailability of key personnel must demonstrate diligent attempts to resolve the conflict.” Pl.’s Opp’n at 3.
- *United States v. Burton*, 584 F.2d 485, 490 (D.C. Cir. 1978) – cited for the “holding that continuances may be denied if the circumstances are foreseeable or self-imposed.” Pl.’s Opp’n at 4.
- *De Aguilar v. Boeing Co.*, 11 F.3d 55, 58 (5th Cir. 1993) – cited for “affirming trial court’s authority to condition extensions on mediation participation.” Pl.’s Opp’n at 4.

Cases Accompanied by a Fabricated Quotation

- *Doe v. Exxon Mobil Corp.*, 69 F. Supp. 3d 75, 87 (D.D.C. 2014) (“Unsworn statements by counsel are not evidence.”). Pl.’s Opp’n at 3.
- *United States v. Poston*, 902 F.2d 90, 97 (D.C. Cir. 1990) (“Continuances must be supported by a firm basis in the record, including the expected duration of the requested delay.”). Pl.’s Opp’n at 3.
- *United States v. Burton*, 584 F.2d 485, 490 (D.C. Cir. 1978) (“A scheduling conflict, without more, is not sufficient grounds for a continuance.”). Pl.’s Opp’n at 3.
- “Indeed, ‘dilatatory conduct in the face of settlement efforts weighs against granting continuances.’ *United States v. Johnson*, 537 F.2d 1170, 1172 (4th Cir. 1976).” Pl.’s Opp’n at 4.

Fabricated Case Citation and Quotation

- “[P]arties are not entitled to continuances simply because they have conflicting obligations that they chose to undertake.’ *United States v. Jorgensen*, 134 F.3d 1291, 1293 (8th Cir. 1998).” Pl.’s Opp’n at 4.

On July 25, 2025, at 4:03 PM, Defendant filed a reply brief in support of its motion for a continuance. Def.’s Reply to Pl.’s Opp’n, ECF No. 189. That filing noted most but not all of the case discrepancies listed above. *See id.* at 5–8. As of the filing of this Order on July 26, 2025, at 6:40 PM, Relator’s counsel has taken no steps to correct their filing.

Counsel’s response to this Order shall (1) explain the role each counsel of record played in drafting, reviewing, and filing the opposition brief; (2) the process by which the cited “authorities” and the accompanying text became part of the brief, and who was responsible for that process; (3) whether any counsel or other firm personnel performed a cite check of the brief before its filing; and (4) why counsel upon reviewing Defendant’s reply brief did not take immediate steps to withdraw or correct the opposition brief.

Dated: July 26, 2025


Amit P. Mehta
United States District Judge