IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALEXANDER TSIPOURAS and ELIZABETH TSIPOURAS,	§	No. 226, 2012
	§	
Plaintiffs Below, Appellants,	§	Court Below—Superior Court of the State of Delaware, in and for Kent County
v.	§	
	§	
SUSAN and STANLEY SZAMBELAK, LORETTA GUE, JAMES A. LANDON, ESQUIRE, CONSTANTINE MALMBERG, ESQUIRE, and MARK D. SISK, ESQUIRE,[1]	§	C.A. No. 09C-05-038
	§	
Defendants Below, Appellees.	§	

Submitted: October 15, 2012
Decided: November 14, 2012

Before **BERGER**, **JACOBS** and **RIDGELY**, Justices.

O R D E R

This 14th day of November 2012, upon consideration of the appellants' opening brief, the motions to affirm filed by the appellees, and the record below, it appears to the Court that:

(1) The plaintiffs-appellants, Alexander Tsipouras and Elizabeth Tsipouras (the "Tsipourases"), appeal from the Superior Court's April 5, 2012 order

[1] The Tsipourases added John S. Grady, Esquire, Brett M. McCartney, Esquire, and Daniel A. Griffith, Esquire, as appellants in their amended notice of appeal. Because those individuals were not named as defendants below, they are not properly before the Court in this appeal.

dismissing their complaint against Susan and Stanley Szambelak (the "Szambelaks") pursuant to Superior Court Civil Rule 12(b)(6). They also appeal the Superior Court's previous orders dismissing their claims against defendants Gue, Landon, and Malmberg under Superior Court Civil Rule 12(b)(6) and granting summary judgment to defendant Sisk under Superior Court Civil Rule 56. Several of the appellees have moved to affirm the Superior Court's order on the ground that it is manifest on the face of the opening brief that this appeal is without merit.[2] We agree and affirm. In those cases where motions to affirm have not been filed, we affirm the Superior Court's orders *sua sponte*.[3]

(2) The Tsipourases' lawsuit stems from an agreement they had with the Szambelaks for the sale of real property located at 595 Gravesend Road, Smyrna, Delaware (the "Property"). Settlement was scheduled, and the Szambelaks were prepared to perform their obligations under the agreement. The Tsipourases refused to go through with the settlement. Thereafter, the Szambelaks filed a lawsuit in the Court of Chancery, which in 2007 ordered specific performance of the agreement.

(3) Rather than comply with the order of the Court of Chancery, however, the Tsipourases filed a lawsuit in the Superior Court in 2009 against the

[2] Supr. Ct. R. 25(a).

[3] Supr. Ct. R. 25(b).

Szambelaks, several attorneys who served as counsel in the transaction, as well as the person from whom they purchased the Property. Because the Tsipourases were unable to find an expert witness to support their claims of malpractice against defendant Sisk, the Superior Court granted his motion for summary judgment under Rule 56. Finding the Tsipourases' complaint to be too deficient to lend itself to a meaningful Rule 12(b)(6) analysis, the Superior Court dismissed the complaint as to defendants Gue, Landon, and Malmberg. Thereafter, the Superior Court dismissed the complaint as to the Szambelaks, who were the last two remaining defendants. This appeal followed.

(4) Although the Tsipourases disagree with the Superior Court's orders, they do not identify any legal error or abuse of discretion committed by the Superior Court in their opening brief. They simply question, in broad, vague terms, the process by which the Szambelaks acquired the Property, and appear to claim that each party and each attorney involved in the transaction conspired to deprive them of the Property.

(5) On a motion to dismiss under Rule 12(b)(6), the Superior Court must accept all well-pleaded allegations in the complaint as true.[4] A "well-pleaded claim" is one that places the defendant on notice of the claim being brought.[5]

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[4] *Feldman v. Cutaia*, 951 A.2d 727, 730-31 (Del. 2008).

[5] *Cent. Mortg. Co. v. Morgan Stanley Mortg. Capital Hldgs. LLC*, 27 A.3d 531, 536 (Del. 2011).

Leniency must be accorded to *pro se* litigants, but at a minimum, the complaint must be sufficient to enable the Superior Court to conduct a meaningful analysis of the plaintiff's claims.[6] Dismissal is warranted when, under no reasonable interpretation of the facts alleged, could the complaint state a claim for which relief might be granted.[7] On appeal from the Superior Court's grant of a Rule 12(b)(6) motion to dismiss, this Court's standard of review is *de novo*.[8]

(6) On a Rule 56 motion for summary judgment, the moving party must demonstrate that there are no genuine issues of material fact and that, viewing the facts in the light most favorable to the non-moving party, the movant is entitled to judgment as a matter of law.[9] This Court reviews a Superior Court grant of a motion for summary judgment *de novo*.[10] To state a claim for legal malpractice, the plaintiff must establish the following elements: (a) the employment of the attorney, (b) the attorney's neglect of a professional obligation, and (c) resulting loss.[11] In connection with the final element, the plaintiff must demonstrate that the

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[6] *Forst v. Wooters*, 633 A.2d 369 (Del. 1993).

[7] *Feldman*, 951 A.2d at 731.

[8] *Id*. at 730.

[9] *Burkhart v. Davies*, 602 A.2d 56, 58-59 (Del. 1991).

[10] *ConAgra Foods, Inc. v. Lexington Ins. Co.*, 21 A.3d 62, 68 (Del. 2011).

[11] *Flowers v. Ramunno*, 27 A.3d 551 (Del. 2011).

underlying action would have been successful but for the attorney's negligence.[12] Moreover, it is well-settled that expert testimony is required to support a claim of legal malpractice.[13]

(7) We have reviewed *de novo* the Superior Court's rulings. We conclude that the Superior Court properly entered summary judgment in favor of defendant Sisk, because the Tsipourases failed to identify an expert witness to support their claims of legal malpractice against him. We further conclude that the Superior Court properly dismissed the Tsipourases' complaint against the remaining defendants because their claims, as pled, were not susceptible of any reasonable legal analysis and, accordingly, failed to provide the required notice to the defendants of the nature of the claims against them. It is manifest on the face of the opening brief that this appeal is without merit, because the issues presented on appeal are controlled by settled Delaware law.

NOW, THEREFORE, IT IS ORDERED that the orders of the Superior Court are AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

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[12] *Id.*

[13] *Id.*