

Superior Court
of the
State of Delaware

Jan R. Jurden
Judge

New Castle County Courthouse
500 North King Street, Suite 10400
Wilmington, Delaware 19801-3733
Telephone (302) 255-0665

October 15, 2007

Richard H. Cross, Jr., Esq.
Cross & Simon, LLC
913 N. Market Street, 11th Fl.
P.O. Box 1380
Wilmington, DE 19899

Tara L. Lattomus, Esq.
Eckert, Seamans, Cherin &
Mellot, LLC
300 Delaware Avenue, Ste 1260
Wilmington, DE 19801

RE: Victoria Gibbs, et al. v. Fairbanks Capital Corporation
C.A. No. 04C-06-258-JRJ

Dear Counsel:

The Court has reviewed Plaintiffs' October 4th Status Report and Defendant's October 9th response. Ms. Lattomus states in the response:

“Although Mr. Cross has attempted to confuse matters,
the status of this case is simple.”

The Court interprets this comment as an accusation that Mr. Cross has attempted to confuse the Court. This statement is troubling. Delaware lawyers are officers of the Court. A Delaware lawyer who attempts to “confuse” the Court violates the Delaware Lawyers' Rules of Professional Conduct¹.

After reading Ms. Lattomus' accusation, the Court re-read Mr. Cross's Status Report. The Court does not find that Mr. Cross has attempted to confuse matters and instructs Ms. Lattomus to review *395 Associates, LLC v. New Castle County*² and the Principles of Professionalism for Delaware Lawyers before making a similar accusation about a fellow member of the Delaware Bar in the future.

¹ See Rules 3.2, 8.4(d). See also Principles of Professionalism for Delaware Lawyers, A.1.

² 2006 WL 2021623 (Del. Super.).

IT IS SO ORDERED.

Very truly yours,

Jan R. Jurden
Judge

JRJ:mls

cc: Original to Prothonotary