

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

JACK W. LAWSON and MARY ANN	)	
LAWSON,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. N14C-01-020 MMJ
	)	
STATE OF DELAWARE,	)	
DEPARTMENT OF	)	
TRANSPORTATION, and SHAILEN P.	)	
BHATT,	)	
	)	
Defendants.	)	

Submitted: May 5, 2014  
Decided: June 11, 2014

Upon Plaintiffs' Motion to Disqualify Defendants' Counsel  
**DENIED**

**ORDER**

Richard L. Abbott, Esquire (Argued), Abbott Law Firm, Attorney for Plaintiffs

Gregory B. Williams, Esquire (Argued), Wali W. Rushdan II, Esquire, Fox  
Rothschild LLP, Attorneys for Defendants

**JOHNSTON, J.**

1. The State of Delaware, Delaware Department of Transportation (“DelDOT”), and Shailen P. Bhatt (collectively “Defendants”) are represented in this action by the law firm of Fox Rothschild LLP. On April 2, 2011, an Agreement for Legal Services (“Agreement”) was entered into which authorized Fox Rothschild to represent DelDOT for three years. The Agreement provided that it could be extended for two additional one-year periods. Among other things, the Agreement authorized “work relating to eminent domain proceedings.”

2. An Extension Agreement was entered into, effective April 1, 2014, extending the Agreement through April 1, 2015. The Extension Agreement was signed by Gregory B. Williams on behalf of Fox Rothschild, Shailen P. Bhatt on behalf of DelDOT, and Deputy Attorney General John B. Hindman. Additionally, Deputy State Solicitor James R. Adams wrote a letter dated April 15, 2014 confirming that Fox Rothschild’s representation of Defendants in this action is authorized, specifically including representation of Bhatt.

3. Even if the Court assumes that Plaintiffs had standing to bring the Motion to Disqualify Defendants’ Counsel, the Court finds that the agreement as extended, particularly combined with the letter from Deputy State Solicitor Adams, covers Fox Rothschild’s work on this case. The representation complies with 29 *Del. C.* § 2507, which authorizes special counsel being employed to represent State officers and departments with the approval of the Attorney General and the

Governor. The original Agreement was signed by the Attorney General and the Governor. The Agreement provides that the Parties may extend the Agreement by mutual written agreement. The Agreement defines “Parties” as Fox Rothschild and DelDOT. The Court is satisfied that the Extension Agreement, which was signed by Gregory B. Williams for Fox Rothschild and Shailen P. Bhatt for DelDOT, complies with the provision in the Agreement.

**THEREFORE**, the Plaintiffs’ Motion to Disqualify Defendants’ Counsel is hereby **DENIED**.

**IT IS SO ORDERED.**

*/s/ Mary M. Johnston* \_\_\_\_\_

The Honorable Mary M. Johnston