COURT OF CHANCERY
OF THE
STATE OF DELAWARE

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Date Submitted: July 9, 2012
Date Decided: July 12, 2013

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RE: Loren Lorenzetti v. Dorothea Farrell, *et al*.
C.A. No. 7385-VCG

Dear Litigants:

I have Mr. Lorenzetti's July 9, 2013 six-page, single-spaced letter asking that I recuse myself in this matter. To the extent I can understand Mr. Lorenzetti's argument, he seeks my recusal on grounds of personal bias or prejudice towards him. As our Supreme Court has explained, such a Motion requires me to engage in a two part analysis. First, I must "subjectively determine [whether I] can proceed to hear the case free from bias or prejudice."[1] Next, if I subjectively determine that

[1] *Ebersole v. Builders*, 15 A.3d 217, at *3 (Del. Feb. 7, 2011) (TABLE).

I have no bias, then I must determine objectively whether there is an appearance of bias sufficient to cause doubt of my impartiality.[2] Since the thrust of Lorenzetti's argument appears to be that I became biased, or evidenced my bias against him, at the hearing on June 27, 2013, I begin my analysis there.

Subjectively, I am free of bias in this matter. I have no relationship of any kind with any party in the case and had never met any of them prior to the June 27 hearing. The issues remaining for trial are simple, as Lorenzetti points out in his Motion: an accounting of funds retained by his former attorney-in-fact, a Defendant here; whether the attorney-in-fact breached her fiduciary duty in connection with a sale of real property and a Mustang automobile, aided and abetted by the remaining Defendants; and whether Lorenzetti is entitled to the return of documents which he abandoned on the real property. I have no doubt that I can decide those issues free of bias or prejudice towards any party in this litigation.

With respect to the second prong of the recusal analysis, I consider whether an objective observer would believe that I am biased against Lorenzzeti or in favor of the Defendants. Lorenzetti states that that I comported myself at the hearing like a "grizzled Navy mustang officer" presiding over a court martial.[3] Grizzled I may be. Having reviewed the transcript of the hearing, however, I find that no

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[2] *Id.*
[3] Pl.'s Req. for Recusal 1, July 9, 2013.

reasonable, objective observer would determine that I would deprive Lorenzetti of impartial justice.

Lorenzetti also appears to allege that I am bigoted toward those of "Northern" Italian extraction, an allegation which, I must admit, I find baffling. There is neither objective proof nor any subjective bias in that regard, whatsoever.

Finally, Mr. Lorenzetti seems to be disturbed that I have read the related opinions of the Superior Court and Supreme Court in this case.[4] But my familiarizing myself with the related opinions in this case is entirely appropriate, particularly given the Defendants' arguments that the Superior Court has already disposed of many of Mr. Lorenzetti's claims. Those opinions have obviously informed my treatment of this case and my narrowing of the list of issues.[5]

To the extent Lorenzetti's Motion raises a substantive complaint, it is concerning his Motion to Continue the Trial, currently scheduled for August 14, 2013. The concerns that he raises in the Motion for recusal—that it would be easier to find accommodation in Delaware after the summer vacation season and

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[4] Pl.'s Request for Recusal 4 ("Why [sic] you studied and read the Superior Court verdict and the Supreme Court decision only strengthens my conviction that, not only are you not keeping a neutral stance and open to hearing testimony to make <u>your independent judgment</u>, but you are approaching this case with the attitude that Judge Stokes and the Supreme Court have already decided the case and 'let's get this off my docket' which sounds like a prejudgment on who will prevail in this lawsuit.") (emphasis original)).

[5] Claims that have been previously adjudicated are barred by *res judicata*. Though Mr. Lorenzetti is entitled to an impartial adjudication of his claims, he is not entitled to assert the same claims *twice*. Any matter which the Superior Court has already ruled on may not be re-litigated.

that he would like to avoid traffic between Dover (which he states is his preference for lodging) and Georgetown (the site of the trial) after the end of the vacation season—are simply unpersuasive. Georgetown, while I find it lovely, is not unduly burdened by tourists at any season of the year. Nothing in this Letter Opinion, however, prevents Mr. Lorenzetti from seeking a continuance of the trial for good cause, in particular after receiving Mr. Hodges' Answer to the Complaint, due July 27, 2013. If Mr. Lorenzetti believes that answer, or some other issue, requires extra time for trial preparation, he should notify me by motion promptly after July 27. I will consider continuation of the trial date for good cause only.

Lorenzetti's Motion points out that I suggested that he would be wise to retain an attorney, which he appears to believe demonstrates some animus towards him on my part. He was "assisted" at the hearing by a friend who is not a Delaware attorney and who will not be able to represent him at trial. It remains my advice that he consider retaining counsel to assist him in this action. Should Mr. Lorenzetti retain counsel to assist him at trial, and if counsel should request a continuance in order to adequately prepare for trial, I am willing to entertain a request for a continuance on that basis.

Finally, Lorenzetti complains that I demonstrated my prejudice toward him by indicating that this trial will be scheduled for a single day. He asserts that he needs, at minimum, four days to present his case in this matter. Given the issues

available for trial, I see no reason that Lorenzetti's presentation cannot be made in three and one-half hours of trial time. Therefore, one day of trial time, allowing for the Defendants' presentation, is ample. The parties should plan their presentation of evidence accordingly.

To the extent that the foregoing requires an order to take effect, IT IS SO ORDERED.

Sincerely yours,

/s/ Sam Glasscock III

Vice Chancellor

cc: Register in Chancery Office - Sussex