

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

ABIGAIL M. LEGROW
MASTER IN CHANCERY

NEW CASTLE COUNTY COURTHOUSE
500 NORTH KING STREET, SUITE 11400
WILMINGTON, DE 19801-3734

Final Report: November 5, 2013
Submitted: September 20, 2013

Mr. Henry A. DuHadaway
J.T.V.C.C. – SBI # 00098382
1181 Paddock Road
Smyrna, DE 19977

David J. Ferry, Jr., Esquire
Ferry Joseph & Pearce, P.A.
P.O. Box 1351
Wilmington, DE 19899

Re: *Henry A. DuHadaway v. Catherine E. O'Connor*
C.A. No. 7433-ML

Dear Mr. DuHadaway and Mr. Ferry:

In a final report dated March 11, 2013 (the “Final Report”), in response to the defendant’s motion for a more definite statement, I directed the plaintiff, Henry DuHadaway, to file within 30 days an amended complaint. In the Final Report, I found that

Mr. DuHadaway himself concedes the merit of the motion, and Ms. O’Connor’s motion for a more definite statement therefore is granted. Mr. DuHadaway should file an amended complaint within 30 days of the date of this report. That revised complaint should specify the causes of action Mr. DuHadaway intends to assert against Ms. O’Connor, along with any factual allegations supporting those claims.¹

¹ *DuHadaway v. O'Connor*, 2013 WL 961129, at *2 (Mar. 11, 2013).

In the same report, I denied without prejudice the motion to dismiss filed by the defendant, Catherine O'Connor.

After being granted an extension to file the amended complaint, Mr. DuHadaway filed on July 1, 2013 a pleading styled as a "Response to Motion for More Definite Statement" (the "Response"). Aside from its ambiguous title, the Response does not appear to be an amended complaint. It does not enumerate any specific causes of action against Ms. O'Connor. The Final Report dilates at length on the difficulty of parsing Mr. DuHadaway's complaint and determining what claims he intends to assert against Ms. O'Connor. Even if I were to consider the Response to be a complaint, it does not comply with the instructions in the Final Report. If anything, the Response only serves to confuse the issues. Having reviewed Mr. DuHadaway's Response, I am even more uncertain what claims he is asserting against Ms. O'Connor.

This Court typically holds self-represented litigants to a "somewhat less stringent technical standard" than parties represented by counsel.² That does not, however, excuse a litigant from complying with the Court's rules or its orders. Court of Chancery Rule 8 requires a complaint to set out "a short and plain statement of the claim showing that the pleader is entitled to relief" and "a demand for judgment for the relief to which the party deems itself entitled." Consistent with that standard, the Final Report directed Mr. DuHadaway to file an amended complaint specifying the causes of action he is asserting

² *Sloan v. Segal*, 2008 WL 81513, at *7 (Del. Ch. Jan. 3, 2008).

against Ms. O'Connor and the facts supporting those claims. The Response does not comply with Rule 8 or the directions in the Final Report.

In light of his *pro se* status, I will afford Mr. DuHadaway one more opportunity to file a proper amended complaint, which he should do within 45 days of the date of this report. At that point, Ms. O'Connor may renew her motion to dismiss, if she so desires. If Mr. DuHadaway requires sample complaints to assist in this process, he should contact the Register in Chancery promptly. I caution Mr. DuHadaway that this will be his final opportunity to submit an amended pleading before I consider the merits of Ms. O'Connor's motion to dismiss.

For the foregoing reasons, Ms. O'Connor's motion to dismiss is denied without prejudice, and Mr. DuHadaway is directed to file an amended complaint within 45 days. This is my final report and exceptions should be taken in accordance with Rule 144.

Respectfully submitted,

/s/ Abigail M. LeGrow
Master in Chancery