

SUPERIOR COURT  
of the  
State of Delaware

William L. Witham, Jr.  
Resident Judge

Kent County Courthouse  
38 The Green  
Dover, Delaware 19901  
Telephone (302) 739-5332

February 6, 2007

Mr. James A. Wilson, Inmate  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, Delaware 19977

Glynis Gibson, Esquire  
Gibson & Nowak  
1126 South State Street  
Dover, Delaware 19901

Re: ***James A. Wilson v. Angela C. Wilson***  
**C.A. No. 04C-03-031 WLW**

Dear Mr. Wilson and Ms. Gibson:

The Defendant, Angela C. Wilson, filed a Motion for a Protective Order regarding a “Request for Production of Documents Directed to Defendant” filed by the Pro Se Plaintiff, James A. Wilson.<sup>1</sup> Mr. Wilson filed a Request for Production of Documents on February 8, 2005 and March 1, 2005, and he filed Interrogatories on March 1, 2005, all of which were responded to by the Defendant. The Plaintiff filed a Motion “For Compel Discovery”, and the matter was heard before the Court on August 8, 2005. At the hearing, Commissioner Freud required that Ms. Wilson provide the Plaintiff a list of

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<sup>1</sup> The Plaintiff, Mr. Wilson, has not filed a Motion in response to the Defendant’s present Motion for a Protective Order.

docket entries from the case of *Angela C. Wilson v. Baker's Landing*<sup>2</sup> (“the underlying case”).<sup>3</sup>

The Defendant claims that the main crux of the pending suit seems to be the Plaintiff's allegation that Defendant recovered monies for items belonging to him in the underlying case. Pursuant to Commissioner Freud's requirement, the Defendant provided a Table of Contents concerning the pleadings and correspondence for the underlying case. The Table of Contents of the underlying case comprised of one-hundred ninety-five entries (195). Mr. Wilson filed a request seeking production of one-hundred fifty-five (155) of the one-hundred ninety-five (195) entries.

Ms. Wilson claims that she has signed a sworn affidavit, at Plaintiff's request, confirming she made no recovery for any items belonging to him. Further, the Defendant claims that there are no items requested by Mr. Wilson, in his latest request for production of documents, that bear any relevance to this pending action. Specifically, Ms. Wilson states that many of the documents that the Plaintiff requested include transmittal letters, copies of entries of appearances, and numerous other documents not likely to lead to any probative evidence with respect to the Plaintiff's allegations.

The Defendant alleges that the discovery sought is designed for the purpose of annoyance and harassment, is not relevant to the pending matter, will not lead to the discovery of any probative evidence, and will present an undue burden or expense on

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<sup>2</sup>*Angela C. Wilson v. Baker's Landing, LLC and Melanie Rawley, individually and as agent of Baker's Landing, LLC and Green Point Credit, LLC and Reed Contractor, Inc., C.A. No.:02C-04-001(HDR).*

<sup>3</sup>Commissioner Freud told the Plaintiff to be reasonable in his requests. Ms. Wilson suggests that this was because the copying of such documents was apparently going to be at the Defendant's expense, since Mr. Wilson is incarcerated.

Ms. Wilson, as the Plaintiff is incarcerated and has no funds to pay for copying expenses. Therefore, Ms. Wilson seeks this Court to order that the discovery requested may not be had pursuant to Superior Court Civil Rule 26(c).<sup>4</sup>

### ***Discussion***

Commissioner Freud required the Defendant to provide the Plaintiff with a list of entries from the underlying case, so that the Plaintiff could determine what was relevant. The Defendant's claim that the discovery requested should not be had, pursuant to Superior Court Civil Rule 26(c), has merit. Some of the items requested by Mr. Wilson do not seem to have any significance or relevance to the present litigation. An example is entry 154 from the Table of Contents, which is labeled: "Entry of Appearance - Glynis Gibson." On the other hand, the Defendant's Motion for a Protective Order does not specify which of the entries requested for production by Mr. Wilson (from the Table of Contents) are designed for the purpose of harassment, are not relevant, or will not lead to the discovery of any probative evidence.<sup>5</sup>

The Court finds that the following items referenced in the Table of Contents may be produced by the Defendant by copying and mailing them to the Plaintiff.

No. 24	Complaint
No. 34	Barker's Landing and Melanie Rawley's Answer to Complaint and Cross-Claim
No. 41	Answer to Cross-Claim

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<sup>4</sup>Superior Court Civil Rule 26(c) provides upon motion by a party...from whom discovery is sought, and for good cause shown, the Court...may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had...

<sup>5</sup>The Court notes that the Plaintiff is incarcerated, but the Defendant produces no evidence that Mr. Wilson lacks the funds to pay for copying expenses.

- No. 44 Letter to John Andrade from Jennifer G. Nowak re Response to Complaint
- No. 45 Reed Contractors, Inc. Interrogatories Directed to Plaintiff
- No. 46 Reed Contractors, Inc. Request for Production of Documents Directed to Plaintiff
- No. 47 Letter to Jennifer G. Nowak from John Andrade re Answer to Complaint
- No. 48 Answer to Complaint and Amended Complaint
- No. 51 Letter to John Andrade from Walt Speakman re Reed Contractors' Answers to Interrogatories
- No. 53 Letter to Walt Speakman and Steven Mones from Jennifer G. Nowak re Settlement and Mediation
- No. 54 Plaintiff's Response to Defendant Reed's Request for Production of Documents
- No. 56 Discovery Production from Angela Wilson to Barker's Landing
- No. 61 Final Property Damage Settlement
- No. 62 Letter to Neil Lapinski from Jennifer G. Nowak re Motion to Amend Complaint, Stipulation and Negotiation
- No. 64 Defendants' Barker's Landing and Melanie Rawley Response to Plaintiff's Request for Production of Documents Directed to Defendants
- No. 70 Documents Produced by Defendant Greenpoint in Response to Plaintiff's Request for Production
- No. 73 Greenpoint's First Supplemental Response to Plaintiff's Request for Production of Documents
- No. 79 Answers of Defendants Barker's Landing LLC and Melanie Rawley to Plaintiff's Interrogatories Directed to Defendants
- No. 80 Defendants Barker's Landing LLC and Melanie Rawley's Answer to Plaintiff's Amended Complaint
- No. 89 Green Point's Second Supplemental Response to Plaintiff's Request for Production of Documents
- No. 90 Green Point's Second Supplemental Response to Plaintiff's Request for Production of Documents
- No. 93 Defendant Green Point's Answers to Plaintiff's Interrogatories
- No. 102 Amended Complaint
- No. 103 Green Point's Answers to Interrogatories from Barker's Landing
- No. 104 Affidavit of Thomas Piszczor
- No. 105 Green Point's Response to Request for Production from Barker's Landing

- No. 107 Letter to Jennifer Nowak and Opposing Counsel from Steven Mones re Amended Scheduling Order - Change from Stipulation to Standard Order and Affidavit of Green Point
- No. 111 Defendant Green Point's Answer to Amended Complaint with Cross-Claims Against Other Defendants
- No. 113 Bryan Reed's Answers to Interrogatories
- No. 114 Bryan Reed's Response to Request for Production of Documents
- No. 115 Plaintiff's Response to Defendant Melanie Rawley and Barkers Landings' Request for Production of Documents
- No. 116 Plaintiff's Response to Defendant's Barker's Landing and Melanie Rawley's Interrogatories
- No. 118 Plaintiff's Response to Defendant Green Point's Request for Production of Documents
- No. 119 Plaintiff's Response to Defendant Green Point's First Interrogatories
- No. 120 Plaintiff's Response to Defendant Green Point's First Request for Admissions to Plaintiff
- No. 121 Letter to Steven Mones from Jennifer Nowak re Responses to Discovery
- No. 124 Defendant Reed Contractor's Answer to Amended Complaint
- No. 132 Bryan Reed's Responses to Interrogatories
- No. 141 Letter to Judge Bifferato from Jennifer Nowak re Mediation Statement with Exhibits
- No. 143 Letter to Jennifer Nowak from Thomas Bouchelle re Reed Contractor's Supplemental Answers to Interrogatories with Verification and Certification
- No. 146 Letter to Judge Ridgely from Jennifer Nowak re Post-Mediation Status
- No. 150 Green Point's Motion for Summary Judgment as to Plaintiff's Claims
- No. 151 Plaintiff's Response to Defendant Green Point's Motion for Summary Judgment
- No. 160 Pre-Trial Stipulation
- No. 178 Plaintiff's Response to Green Point's Renewed Motion for Summary Judgment as to Plaintiff's Claim under Article 9
- No. 179 Plaintiff's Response to Defendant Reed Contractor Inc.'s Motion in Limine
- No. 183 Letter and Enclosures to Angela Wilson from Jennifer Nowak re Incident/Police Reports
- No. 190 Letter to Opposing Counsel from Jennifer Nowak re Acceptance of Offer

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No. 192 Letter to Jennifer Nowak & Glynis Gibson from Steven Mones re Settlement

No. 195 Letter to Steven Mones from Jennifer Nowak re General Release of All Claims

The remaining entries do not need to be produced by the Defendant and Defendant is granted a protective order from producing these documents.

IT IS SO ORDERED.

/s/ William L. Witham, Jr.

WLW/dmh

oc: Prothonotary

xc: Mr. James A. Wilson

Glynis Gibson, Esquire