

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

CHERI BLACK,)
)
 Plaintiff,)
)
 v.) C.A. No. N21C-06-201 MMJ
)
 JOSEPH F. DAY,)
)
 Defendant.)

On Defendant's Motion to Dismiss

GRANTED

Plaintiff Black filed a *pro se*, handwritten Complaint. The handwriting and style are identical to pleadings filed in related litigation by Black's mother, Emily Baldwin. In total, there are now seven related cases nominally filed by Black, Emily Baldwin, or Maxine Baldwin (Emily Baldwin's sister).

The procedural and factual history of this litigation is set forth in the Court's recent decisions - *Baldwin v. New Castle County*, Del. Super., C.A. No. N20C-12-126, Johnston, J. (Sept. 14, 2021) (Opinion) and *Black v. New Castle County*, Del. Super., C.A.No. N20C-08-270, Johnston, J. (Sept. 14, 2021) (Opinion). Both Opinions found that all related cases have been instigated and managed by Emily Baldwin, who is engaging in the unauthorized practice of law.

The Court ruled:

ANY FUTURE CLAIMS BROUGHT AT THE BEHEST AND UNDER THE DIRECTION OF EMILY BALDWIN WILL BE SUMMARILY DISMISSED ON THE GROUNDS THAT EMILY BALDWIN IS ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW.

The instant case involves: the same property; the same related disputes about the property with New Castle County; and the same allegations against Day, who is a New Castle County employee.

In *Black v. New Castle County*, Del. Super., C.A.No. N20C-08-270, the Court dismissed the claims against New Castle County involving the same alleged conduct by its employee Day. The Court found: there is no private cause of action under Title 11 criminal statutes; the Court lacks subject matter jurisdiction to hear breach of fiduciary claims; Black failed to establish a *prima facie* case for claims of gross negligence, wantonness, or recklessness; Black's claims are barred by the immunity provided in the County and Municipal Tort Claims Act, and no exception applies; and the alleged psychological injury is insufficient for a claim of intentional infliction of emotional distress, without accompanying physical injury.

The Court finds that Emily Baldwin has instigated and directed this case and is engaging in the unauthorized practice of law in Delaware

THEREFORE, this case is hereby SUMMARILY DISMISSED WITH PREJUDICE. Further, Defendant's Motion to Dismiss is hereby GRANTED WITH PREJUDICE for failure to state a claim under Superior Court Civil Rule 12(b)(6).

IT IS SO ORDERED.

Dated: _____

9/28/21

A handwritten signature in blue ink, appearing to read "Mary M. Johnston", written over a horizontal line.

The Honorable Mary M. Johnston
Delaware Superior Court Judge