

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE, upon :  
The Relation of the Secretary of :  
the DEPARTMENT OF :  
TRANSPORTATION, :

Plaintiff, :

v. :

THE MAZEN SHAHIN AND NINA :  
SHAHIN REVOCABLE LIVING :  
TRUST AGREEMENT OF :  
MARCH 2, 2002; MAZEN SHAHIN :  
and NINA SHAHIN, husband and :  
wife; RAMY SHAHIN and RANDA :  
SHAHIN, CO-TRUSTEES UNDER :  
THE MAZEN SHAHIN and NINA :  
SHAHIN REVOCABLE LIVING :  
TRUST AGREEMENT OF :  
MARCH 2, 2002; 0.0139 ACRE OF :  
LAND, more or less, as a Fee Simple :  
Taking, situate in East Dover, Kent :  
County, Delaware; and 0.0189 ACRE :  
OF LAND, more or less, as a :  
Temporary Construction Easement :  
Taking, situate in East Dover, Kent :  
County, Delaware, :

Defendants. :

C.A. No.: K21C-06-001 JJC

**ORDER**

On November 18, 2022, after a rule to show cause hearing held yesterday to address potential sanctions pursuant to Superior Court Civil Rule 17(c)(1)(B), the Court **ORDERS** the following:

1. For the reasons explained on the record at the hearing on November 17, 2022, Defendants’ request that the Court recuse itself, based upon alleged bias and prejudice, is **DENIED**. The Court denies Defendants’ motion after performing the analysis required by the Delaware Supreme Court’s decision in *Los v. Los*, 595 A.2d 381 (Del. 1991).

2. Defendants’ (1) “Objection to the attorney, Gregory B. Williams’ withdrawal from the case,” (2) “Motion-Demand for Official Plaintiff’s Clarification,” and (3) “Motion-Demand . . . for investigation of this case of fraudulent claims of condemnation” violate Superior Court Civil Rule 11(b)(1) through (3). At the hearing, the Court described Defendants’ conduct, examined the nature of their filings, and explained why they violated Rule 11. The three listed violations follow a previous Court Order, issued on August 24, 2022, that memorialized Defendants’ previous violations of Rule 11(b).<sup>1</sup> Those previous filings violated Rule 11(b)(1) – (4).<sup>2</sup> Given that background, the Court then cautioned Defendants that if they engaged in like future conduct, a rule to show cause hearing regarding Rule 11(c) sanctions would follow.<sup>3</sup>

3. After the Court’s Order, Defendants filed similar pleadings. The Court then scheduled a hearing to provide the Defendants the opportunity to be heard on the issue. For the reasons explained on the record at the hearing, Defendants will be sanctioned for the three violations identified in paragraph 2 that occurred *after* the Court’s Order of August 24, 2022. The Defendants shall pay reasonable attorneys’ fees to reimburse Plaintiff for fees and costs that Plaintiff incurred when

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<sup>1</sup> Delaware Department of Transportation v. Shahin, Del. Super., C.A. No. K21C-06-001, Clark, R. J. (Aug. 24, 2022) (ORDER).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

responding to the three filings. Defendants shall also reimburse Plaintiff for all reasonable fees and costs incurred in attending the November 17, 2022 hearing.

4. As a separate matter, Defendants asked the Court to appoint an attorney to represent them in this civil matter. That request is **DENIED** because they do not substantiate (or even allege) indigency. Apart from that, appointing them counsel in a civil matter would be inappropriate. Their motion making this request, however, does not violate Rule 11(b) because of their *pro se* status. As a result, sanctions regarding that filing are unwarranted.

5. To fix the appropriate reimbursement amount, within ten days of the date of this Order, Plaintiff shall file and serve upon Defendants, an affidavit that outlines the reasonable counsel fees and costs that Plaintiff has incurred (1) when reviewing and responding to the three filings identified in paragraph 2, and (2) for travel and appearance fees and costs for the hearing on November 17, 2022. The Plaintiff must also submit a proposed form of order. Defendants may then respond within ten days if they contest the amount of fees.

6. After the Court considers the parties' written submissions, it will issue an order specifying the amount. Defendants must remain mindful that if such filings continue, the Court will notice another hearing and consider further sanctions for their conduct.

**WHEREFORE**, for the reasons explained on the record, Defendants are sanctioned pursuant to Rule 11(c)(1)(B) with an amount to follow by separate order.

/s/ Jeffrey J Clark  
Resident Judge

*Via File & Serve Express  
Email and U.S. Mail to Defendants Mazen Shahin and Nina Shahin*