

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

TOLL BROTHERS BUILDERS,)	
HOCKENSSIN CHASE, LP,)	
MICHAEL BROWN, TIMOTHY J.)	
HOBAN, and MICHAEL KLEIN,)	
)	
Petitioners,)	
)	C.A. N24M-06-136
v.)	
)	
FREDERICK WILLIAMS)	
)	
Respondent.)	

Date Submitted: August 19, 2024
Date Decided: October 16, 2024

ORDER

Upon consideration of Toll Brothers Builders, Hockenssin Chase, LP, Michael Brown, Timothy J. Hoban, and Michael Klein’s (collectively “Petitioners”) Proposed Order Requesting Sanctions,¹ Petitioners’ Motion for Sanctions,² the hearing held on August 14, 2024,³ and the record, **IT APPEARS THAT:**

¹ C.A. No. N24M-06-136, Pet’rs’ Proposed Order Requesting Sanctions, Trans. ID 73478902 (June 25, 2024) (“Petition Requesting Order”).

² C.A. No. N24M-06-136, Pet’rs’ Mot. for Sanctions, Trans. ID 73478902 (June 25, 2024) (“Sanctions Motion”).

³ At this hearing, the Court granted the Sanctions Motion but reserved judgment as to what those sanctions would be, and asked Petitioners to submit of an affidavit supporting their request for \$16,218.94 in attorney’s fees and court costs. C.A. No. N24M-06-136, Jud. Action Form for Pet’rs’ Mot. for Sanctions, Trans. ID 74059625 (Aug. 15, 2024).

BACKGROUND

(1) Over the last six-plus years, Frederick Williams (“Respondent”)⁴ has filed multiple lawsuits relating to his residential property located in Bear, Delaware.⁵ The following is the timeline of the lawsuits filed by Respondent against Petitioners:⁶

- On December 12, 2017, Respondent filed his first complaint in the Court of Common Pleas.⁷ This complaint was dismissed for failure to name and serve the appropriate defendants.⁸
- On June 11, 2019, Respondent filed a second complaint in the Court of Common Pleas.⁹ This complaint was dismissed for lack of subject matter jurisdiction because of a binding arbitration clause.¹⁰
- On June 22, 2020, Respondent filed a third complaint, this time in the Superior Court.¹¹ This complaint was dismissed under the doctrine of

⁴ Respondent is self-represented.

⁵ See Sanctions Motion ¶ 1.

⁶ For ease of reference, see chart *infra* pp.5-8.

⁷ C.A. No. CPU4-17-005342, Compl. filed Dec. 12, 2017 (Del. Ct. Com. Pl.).

⁸ C.A. No. CPU4-17-005342, Order entered May 11, 2018 (Del. Ct. Com. Pl.); *see also Williams III*, 2021 WL 3200825, at *1 (Del. 2021).

⁹ C.A. No. CPU4-19-002007, Compl. filed June 11, 2019 (Del. Ct. Com. Pl.).

¹⁰ C.A. No. CPU4-19-002007, Order entered Nov. 5, 2019 (Del. Ct. Com. Pl.).

¹¹ C.A. No. N20C-06-198 VLM, Compl., Trans. ID 65715347 (June 22, 2020).

claim preclusion (or *Res Judicata*).¹² The Court’s dismissal of this complaint was affirmed by the Supreme Court of Delaware.¹³

- On May 2, 2022, Respondent filed a fourth complaint in the Superior Court.¹⁴ This complaint was dismissed under the doctrine of *Res Judicata*.¹⁵
- On December 14, 2022, Respondent filed a fifth complaint in the Superior Court.¹⁶ In response to the fifth complaint, Defendants (Petitioners in the instant case) filed a Motion to Dismiss and a Motion for Sanctions.¹⁷ The Court granted the Motion to Dismiss based on the doctrine of *Res Judicata*.¹⁸ On August 29, 2023, after affording Respondent a reasonable opportunity to respond to the Motion for Sanctions,¹⁹ the Court denied the motion, but held that, moving forward, if Respondent files a lawsuit containing any claims the

¹² *Res Judicata* prevents a plaintiff from suing a defendant for the same thing multiple times. Once a final judgement has been entered on the merits of the case, the same matter cannot be taken to court again. C.A. No. N20C-06-198 VLM, Order Granting Defs.’ Mot. to Dismiss Pl.’s Compl. ¶ 5, Trans. ID 66003955 (Oct. 8, 2020).

¹³ *Williams III*, 2021 WL 3200825, at *4 (Del. 2021).

¹⁴ C.A. No. N22C-05-002 PRW, Compl., Trans. ID 67573381 (May 2, 2022).

¹⁵ *Williams IV*, 2022 WL 2678895, at *7 (Del. Super. Ct. July 12, 2022).

¹⁶ C.A. No. N22C-12-122 JRJ, Compl., Trans. ID 68604115 (Dec. 14, 2022).

¹⁷ C.A. No. N22C-12-122 JRJ, Defs.’ Mot. to Dismiss, Trans. ID 68878555 (Jan. 12, 2023); C.A. No. N22C-12-122 JRJ, Defs.’ Mot. for Sanctions and Mot. to Strike Compl., Trans. ID 69160456 (Feb. 15, 2023).

¹⁸ *Williams V*, 2023 WL 4542523, at *1 (Del. Super. Ct. July 13, 2023).

¹⁹ See C.A. No. N22C-12-122 JRJ, Hr’g Tr., Trans. ID 70826704 (Sept. 10, 2023).

Supreme Court and this Court have already ruled are barred by *Res Judicata*, Defendants/Petitioners have leave of Court to file a “Petition Requesting Order” asking the Court to enter a sanctions order for the amount sought in the motion.²⁰

- On May 9, 2024, Respondent filed a sixth complaint in this Court.²¹ Defendants (Petitioners) have filed a Motion to Dismiss.²² This case is pending.

Given the number of complaints filed by the Respondent, the Court provides a chart on the next page for ease of reference:

²⁰ C.A. No. N22C-12-122 JRJ, Hr’g Tr., Trans. ID 70826704 (Sept. 10, 2023); C.A. No. N22C-12-122 JRJ, Jud. Action Form pertaining to Def.’s Mot. for Sanctions & Rule 11 Hr’g, Trans. ID 70752004 (Aug. 30, 2023). Petitioners sought \$16,218.94 in attorney’s fees and court costs. C.A. No. N22C-12-122 JRJ, Letter to the Honorable Judge Jan R. Jurden regarding defs.’ aff. for att’y fees, Trans. ID 70705006 (Aug. 23, 2023).

²¹ C.A. No. N24C-05-079 JRJ, Compl., Trans. ID 73006828 (May 9, 2024).

²² C.A. No. N24C-05-079 JRJ, Defs,’ Mot. to Dismiss, Trans. ID 73418445 (June 17, 2024).

	Complaint	Court	Case Number	Plaintiff	Defendants	Disposition	Cited Documents
<i>Williams I</i>	1st	CCP	CPU4-17-005342	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builders • Michael Brown 	Dismissed for failure to name and serve appropriate defendants.	<ul style="list-style-type: none"> • Complaint (Dec. 12, 2017) • Order (May 11, 2018)
<i>Williams II</i>	2nd	CCP	CPU4-19-002007	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builders • Michael Brown 	Dismissed for lack of subject matter jurisdiction due to a binding arbitration clause.	<ul style="list-style-type: none"> • Complaint (June 11, 2019) • Order (Nov. 5, 2019)
<i>Williams III</i>	3rd	Del. Super. Ct.	N20C-06-198 VLM	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builder • Michael Brown • Hockessin Chase LP • Timothy Hoban 	Dismissed for <i>Res Judicata</i> . Dismissal affirmed by Supreme Court of Delaware.	<ul style="list-style-type: none"> • Complaint, Trans. ID 65715347 (June 22, 2020) • Order, Trans. ID 66003955 (Oct. 8, 2020) • <i>Williams v. Toll Bros. Builders</i>, 2021 WL 3200825 (Del. 2021)

	Complaint	Court	Case Number	Plaintiff	Defendants	Disposition	Cited Documents
<i>Williams IV</i>	4th	Del. Super. Ct.	N22C-05-002 PRW	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builder • Michael Brown • Hockessin Chase LP • Timothy Hoban • Michael Klein 	Dismissed for Res <i>Judicata</i> .	<ul style="list-style-type: none"> • Complaint, Trans. ID 67573381 (May 2, 2022) • <i>Williams v. Toll Bros. Builders</i>, 2022 WL 2678895 (Del. Super. Ct. July 12, 2022)
<i>Williams V</i>	5th	Del. Super. Ct.	N22C-12-122 JRJ	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builders • Michael Brown • Hockessin Chase LP • Timothy Hoban • Michael Klein 	Complaint dismissed for Res <i>Judicata</i> . Motions for Sanctions Denied without prejudice.	<ul style="list-style-type: none"> • Complaint, Trans. ID 68604115 (Dec. 14, 2022) • Motion to Dismiss, Trans. ID 68878555 (Jan. 12, 2023) • Order on MTD, <i>Williams v. Toll Bros. Builders</i>, 2023 WL 4542523 (Del. Super. Ct. July 13, 2023) • Motion for Sanctions, Trans. ID 69160456 (Feb. 15, 2023)

	Complaint	Court	Case Number	Plaintiff	Defendants	Disposition	Cited Documents
<i>Williams V</i>							<ul style="list-style-type: none"> • Affidavit of Counsel in Support of Attorney's Fee Demand, Trans. ID 70705006 (Aug. 23, 2023) • Motion for Sanctions Hearing Transcript, Trans. ID 70826704 (Sept. 10, 2023) • Judicial Action Form on Motion for Sanctions, Trans. ID 70752004 (Aug. 30, 2023)
<i>Williams VI</i>	6th	Del. Super. Ct.	N24C-05-079 JRJ	Frederick Williams	<ul style="list-style-type: none"> • Toll Brothers Builder • Michael Brown • Hockessin Chase LP • Timothy Hoban • Michael Klein 	Ongoing.	<ul style="list-style-type: none"> • Complaint, Trans. ID 73006828 (May 9, 2024) • Defendants' Motion to Dismiss, Trans. ID 73418445 (June 17, 2024)

	Complaint	Court	Case Number	Plaintiff	Defendants	Disposition	Cited Documents
<i>Williams VI</i>					<ul style="list-style-type: none"> • William Rhodunda Esq • William Ward Esq • Angela Umaya 		

PETITION REQUESTING ORDER AND MOTION FOR SANCTIONS

(2) As the above timeline and chart make clear, despite the Court's numerous orders barring the claims under *Res Judicata*, Respondent continues to file those claims over and over again.

(3) Consequently, Petitioners filed a Proposed Order Requesting Sanctions ("Petition Requesting Order") accompanied by the instant Motion for Sanctions ("Sanctions Motion"),²³ which the Court granted following a hearing on August 14, 2024.²⁴

Del. Super. Ct. Civ. R. 11

(4) Rule 11(b) states:

By representing to the Court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,--

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; [and]

²³ See Petition Requesting Order; Sanctions Motion.

²⁴ C.A. No. N24M-06-136, Jud. Action Form for Pet'rs' Mot. for Sanctions, Trans. ID 74059625 (Aug. 15, 2024).

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery²⁵

(5) Pursuant to Rule 11(c): “If, after notice and a reasonable opportunity to respond, the Court determines that subdivision (b) has been violated, the Court may . . . impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b)”²⁶

(6) The Supreme Court of Delaware has “sole and exclusive responsibility over all matters affecting governance of the Bar.”²⁷ However, “trial courts retain their traditional powers . . . to address, rectify and punish conduct of a party or counsel which threatens the legitimacy of judicial proceedings.”²⁸ “Any abuses for mere tactical gain should, and must, be addressed by the trial court [who] has full power to employ the substantive and procedural remedies available to properly control the parties and counsel before it, and to ensure the fairness of the proceedings.”²⁹

²⁵ Del. Super. Ct. Civ. R. 11(b).

²⁶ Del. Super. Ct. Civ. R. 11(c).

²⁷ *Hunt v. Ct. of Chancery*, 2021 WL 2418984, at *4 (Del. 2021) (quoting *In re Appeal of Infotechnology, Inc.*, 582 A.2d 215, 220 (Del. 1990)).

²⁸ *Hunt*, at *7 (quoting *Infotechnology*, 582 A.2d at 221-22).

²⁹ *Id.*

(7) The Petitioners have met the procedural requirements set forth in Rule 11(c)(1)(A).³⁰ The Sanctions Motion was filed as a Petition Requesting Order per the Court’s August 29, 2023 holding,³¹ the Sanctions Motion describes the purported Rule 11 violations,³² the Petitioners effected proper service on Respondent, and the Respondent has not withdrawn his complaint.

(8) Delaware law requires that the party accused of violating Rule 11 be afforded a “reasonable opportunity to respond . . . [which] should include an opportunity for the attorney to present evidence and respond orally before a court imposes sanctions.”³³ This hearing should be provided even if an attorney fails to request it.³⁴

(9) Respondent was afforded a reasonable opportunity to respond, including the ability to present evidence and respond orally before the Court, during the August 14, 2024 hearing on the Petition Requesting Order and Sanctions Motion.³⁵

³⁰ Del. Super. Ct. Civ. R. 11(c)(1)(A); *See also Muho v. Wilmington Tr.*, 2015 WL 4126327, at *1 (Del. Super. Ct. July 8, 2015).

³¹ *See* Petition Requesting Order. *See also* C.A. No. N22C-12-122 JRJ, Hr’g Tr., Trans. ID 70826704 (Sept. 10, 2023); C.A. No. N22C-12-122 JRJ, Jud. Action Form pertaining to Def.’s Mot. for Sanctions & Rule 11 Hr’g, Trans. ID 70752004 (Aug. 30, 2023).

³² Petitioners allege Respondent continuously sues based on the same operative facts, Respondent “made an intentional and material misrepresentation to the Court,” and Respondent’s “vexatious and harassing” conduct has caused them to incur additional legal fees. Sanctions Motion ¶¶ 4, 8-9.

³³ *Crumplar v. Superior Court ex rel. New Castle County.*, 56 A.3d 1000, 1011-12 (Del. 2012).

³⁴ *Id.* at 1012.

³⁵ C.A. No. N24M-06-136, Aug. 14, 2024 Hr’g.

(10) “If the trial court finds that the party's claim is indeed meritless, it can invoke the appropriate sanctions.”³⁶ Rule 11 sanctions are an extraordinary measure and should only be imposed after careful consideration and for the purpose of providing redress for “clearly egregious and abusive conduct.”³⁷ “[S]anctions should be reserved for those instances where the Court is reasonably confident that an attorney does not have an objective good faith belief in the legitimacy of a claim or defense.”³⁸

(11) Despite numerous court rulings and orders clearly stating that his claims are barred by *Res Judicata*, Respondent continues to sue Petitioners, raising the same claims based on the same operative facts, and seeking the same relief. Respondent’s failure to follow binding legal precedent continues to force Petitioners to defend themselves in lawsuits for which there is no legal basis.

(12) It is clear from the August 29, 2023 hearing transcript that Respondent understood his claims are barred by *res judicata* and he risked being sanctioned if he filed another lawsuit alleging the same claims.³⁹

³⁶ *Infotechnology*, 582 A.2d at 221.

³⁷ *Donald M. Durkin Contracting, Inc. v. City of Newark*, 2020 WL 6588903, at *6 (Del. Super. Ct. Nov. 10, 2020) (citing *Anguilla RE, LLC v. Lubert-Adler Real Est. Fund IV, L.P.*, 2012 WL 5351229, at *8 (Del. Super. Ct. Oct. 16, 2012)).

³⁸ *Smith v. Donald L. Mattia, Inc.*, C.A. No. 4498-VCN, 2012 WL 252271, at *5 (Del. Ch. Jan. 13, 2012) (citing *Xen Inv., LLC v. Xentex Tech., Inc.*, No. 19713-NC, 2003 WL 25575770, at *3 (Del. Ch. Dec. 8, 2003)).

³⁹ C.A. No. N22C-12-122 JRJ, Hr’g Tr. 30:13-30:21, 47:20-48:2, 53:20-54:1, 56:3-58:1, 58:13-58:23, Trans. ID 70826704 (Sept. 10, 2023).

(13) Sanctions may be monetary or non-monetary and may include an order directing the party in violation to pay all or some of the moving party’s reasonable attorneys’ fees and other expenses.⁴⁰ Sanctions “shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.”⁴¹ Where the Court seeks to impose monetary sanctions, the hearing shall include an inquiry into the litigant’s ability to pay.⁴²

(14) The Court inquired into Respondent’s financial situation during the August 14, 2024 hearing.⁴³ Respondent stated he and his wife live on Respondent’s \$40,000 per year pension.⁴⁴

(15) As a sanction, the Petitioners ask the Court to order Respondent to pay Petitioners \$16,218.94 in attorney’s fees and court costs.⁴⁵

(16) Sanctions are warranted given “the waste of attorney time and judicial resources resulting from Mr. Williams’ litigiousness.”⁴⁶

(17) Although the Court finds the requested attorney’s fees and court costs are reasonable and sanctions are warranted here, the Court finds that the Respondent does not have the resources or ability to pay all the Petitioners legal fees and costs.

⁴⁰ Del. Super. Ct. Civ. R. 11(c)(2).

⁴¹ *Id.*

⁴² *Hunt*, 2021 WL 2418984, at *4 (Del. 2021) (quoting *Crumplar*, 56 A.3d at 1012).

⁴³ C.A. No. N24M-06-136, Aug. 14, 2024 Hr’g.

⁴⁴ *Id.*

⁴⁵ See Sanctions Motion; see also C.A. No. N24M-06-136, Aff. Of Counsel in Supp. Of Att’y’s Fees, Trans. ID 74092443 (Aug. 19, 2024).

⁴⁶ *Williams V*, 2023 WL 4542523, at *3 (Del. Super. Ct. July 13, 2023).

The Respondent is retired, he and his wife have cancer, and their only source of income is his \$40,000 per year pension. Instead, the Court orders the Respondent to pay \$200.00. The Court considers this amount to be minimally sufficient as a deterrent to future violations by Respondent, as well as others similarly situated.⁴⁷

(18) In addition to this monetary sanction, the Court finds a non-monetary sanction is also warranted and necessary. Pursuant to 10 *Del. C.* § 8803(e), “[w]hen a court finds that a litigant has abused the judicial process by filing frivolous or malicious litigation, the court may enjoin that litigant from filing future claims without leave of court.”⁴⁸ The record establishes Respondent has abused the judicial process by filing frivolous litigation.

WHEREFORE, IT IS HEREBY ORDERED that: (A) Respondent shall pay Petitioners \$200 of their attorney’s fees and court costs, and (B) Pursuant 10 *Del. C.* § 8803(e), effective immediately, Respondent is enjoined from filing any documents in the Superior Court without leave of court. All requests shall be made in the Prothonotary’s office and not by use of the Superior Court drop box. The Prothonotary is instructed to reject any future filings from Respondent unless accompanied by an affidavit certifying that:

⁴⁷ As required by Del. Super. Ct. Civ. R. 11(c)(2).

⁴⁸ 10 *Del. C.* § 8803(e).

- (1) The claims sought to be litigated have never been raised or disposed of before in any court;
- (2) The facts alleged are true and correct;
- (3) The affiant has made a diligent and good faith effort to determine what relevant case law controls the legal issues raised;
- (4) The affiant has no reason to believe the claims are foreclosed by controlled law; and
- (5) The affiant understands that the affidavit is made under penalty of perjury.⁴⁹

IT IS SO ORDERED.

/s/ Jan R. Jurden
Jan R. Jurden, President Judge

cc: Prothonotary

⁴⁹ 10 *Del. C.* § 8803(e)(1-5).