

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

January 15, 2009

Carol A. Casner, Esquire
Assistant City Solicitor
800 North French Street
Redding City/County Building, 9th Floor
Wilmington, DE 19801

Ms. Sarah H. Williams
322 East 10th Street
Wilmington, DE 19801

Submitted: September 25, 2008¹
Decided: January 15, 2009

RE: *City of Wilmington v. Reginald E. Williams and Sarah Williams*
C.A. No.: 06T-09-016

Upon Defendant Williams's Motion for an Agreement – **DENIED**
Upon Plaintiff's Motion to Dismiss Defendants' Motion – **GRANTED**

Dear Mses. Casner and Williams:

The underlying case here is a monition.² On August 22, 2008, the court ordered additional submissions following oral argument on Defendant's, *pro se*

¹ The last submission was timely filed on September 25, 2008, but received in chambers on October 9, 2008.

² 36 *Del. Laws* Ch. 143.

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“Motion for an Agreement with Plaintiff,” and Plaintiff’s 12(b)(6) cross-motion. The court has reviewed the submissions and, for the following reasons, grants Plaintiff’s motion to dismiss Defendant’s motion under Superior Court Civil Rule 12(b)(6).

This matter has a long history, featuring several bankruptcy filings and stays. The first case was filed against Defendants, seven years ago, on March 15, 2002. Shortly thereafter, Ms. Williams filed for bankruptcy protection. That bankruptcy concluded on March 29, 2005. On July 20, 2006, Plaintiff filed this case, and Ms. Williams again filed bankruptcy on August 10, 2006 and subsequently on February 21, 2008. Plaintiff now contends, and Ms. Williams does not deny, that as a result of Ms. Williams’s numerous bankruptcy petitions, she is barred from filing another bankruptcy petition until April 2009.

On September 9, 2008, as ordered by the court, Ms. Williams filed an answer to the monition, presumably clarifying her position and claims for relief that were originally presented in her motion. That submission, however, continues to make conclusory claims, unsubstantiated by law or specific, clear facts. For example, Ms. Williams concludes that Plaintiff violated City Code, section 45-172 because the Director of Finance failed to meet with her. Section 45-172 does not require the director to meet and make agreements with Wilmington citizens at their request. In general, Ms. Williams’s answer fails to explain how the city violated the code, and how such violation is a claim for relief from the monition.

The court appreciates Ms. Williams’s attempt at self-representation, which is why the court gave her another chance to show that she has paid her taxes or there is a lawful excuse. The court is aware of the difficult situation the Defendants probably are in. Ultimately, however, the court is constrained by the law requiring property owners to pay for utility use and property taxes. Again, this case is seven years old.

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Therefore, Ms. Williams's motion is **DENIED** and Plaintiff's motion to dismiss Ms. Williams's motion under Superior Court Civil Rule 12(b)(6) is **GRANTED**. The motion process may proceed.

IT IS SO ORDERED.

Very Truly Yours,

cc: Prothonotary