

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY J. MEADES, SR.,	§	
	§	No. 240, 2006
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware, in and
v.	§	for New Castle County in C.A.
	§	No. 03C-05-013.
WILMINGTON HOUSING	§	
AUTHORITY and FRED	§	
PURNELL,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: September 29, 2006

Decided: December 28, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 28th day of December 2006, upon consideration of the briefs of the parties and the Superior Court record, it appears to the Court that:

(1) The *pro se* plaintiff-appellant, Timothy J. Meades, Sr., was formerly employed as a district supervisor with the defendant-appellee, Wilmington Housing Authority (“WHA”).¹ WHA terminated Meades’ employment in 2001.

¹ The defendant-appellee, Fred Purnell, is the Executive Director of the WHA.

(2) In 2003, Meades filed a complaint alleging defamation against WHA. The Superior Court dismissed Meades' complaint on the basis that WHA was shielded from liability by a conditional privilege. Meades filed an appeal.

(3) On appeal, this Court reversed the Superior Court's dismissal of Meades' complaint and remanded the case for further proceedings.² The Court held that the Superior Court erred when it ruled on the issue of WHA's conditional privilege in the context of a motion to dismiss. The Court noted that "[up]on a finding of conditional privilege, the burden shifts to the plaintiff to show abuse of the privilege. Whether a conditional privilege has been abused is ordinarily a question of fact."³

(4) On remand, the parties engaged in discovery. Following the close of discovery, WHA filed a motion for summary judgment. By memorandum opinion dated April 28, 2006, the Superior Court granted WHA's motion. The Superior Court concluded that Meades failed to establish that WHA had abused its conditional privilege. This appeal followed.

²*Meades v. Wilmington Hous. Auth.*, 2005 WL 1131112 (Del. Supr.).

³*Id.* ¶ 11 (citations omitted).

(5) “A motion for summary judgment is properly granted ‘against a [party] who fails to make a showing sufficient to establish the existence of an element essential to the [party’s] case and upon which the [party] will bear the burden of proof at trial.’”⁴ Summary judgment is appropriate only if there are no genuine issues of material fact, and the moving party is entitled to judgment as a matter of law.⁵ This Court reviews a decision granting summary judgment *de novo*.⁶

(6) Having carefully considered the parties’ briefs and thoroughly reviewed the record, the Court has determined that this appeal should be affirmed on the basis of the Superior Court’s well-reasoned decision granting summary judgment in favor of WHA. It appears that Meades was afforded the opportunity through discovery to produce evidence demonstrating that WHA had abused its conditional privilege. The Superior Court’s decision concluding that Meades’ efforts were unsuccessful and that summary judgment should be granted against him is amply supported by the record and is free from legal error.

⁴*Reybold Group, Inc. v. Chemprobe Tech., Inc.*, 721 A.2d 1267, 1271 (Del. 1998) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)).

⁵*Burkhart v. Davies*, 602 A.2d 56, 59 (Del. 1991).

⁶*Merrill v. Crothall-American, Inc.*, 606 A.2d 96, 99 (Del. 1992).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice