

**COURT OF CHANCERY  
OF THE  
STATE OF DELAWARE**

Sam Glasscock III  
VICE CHANCELLOR

CHANCERY COURTHOUSE  
34 The Circle  
GEORGETOWN, DELAWARE 19947  
AND  
NEW CASTLE COUNTY COURTHOUSE  
500 NORTH KING STREET, SUITE 11400  
WILMINGTON, DELAWARE 19980-3734

Date Submitted: July 8, 2012

Date Decided: July 15, 2013

Loren Lorenzetti  
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Perkinsville, VT 15151

Michael Bagley  
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Forked River, NJ 08731

Dorothea Farrell  
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Tamara Hodges  
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Zack Hodges  
204 Greenridge Road  
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RE: Loren Lorenzetti v. Dorothea Farrell, et al.  
C.A. No. 7385-VCG

Dear Litigants:

I have received Mr. Lorenzetti's requests for discovery. As I indicated at the office conference last month, the Defendants were only to respond to the discovery requests if I ordered them to do so. I have reviewed Mr. Lorenzetti's requests and have determined that he is entitled to limited discovery, relevant to his claims that I have determined are colorable: the claim for an accounting, the claim for breaches of fiduciary duty related to the sale of real property and a mustang automobile, and a claim for the return of documents which Mr. Lorenzetti abandoned on the real

property. As I mentioned during the office conference, many of Mr. Lorenzetti's claims appear to be barred by *res judicata* or *collateral estoppel* as a result of the Superior Court and Supreme Court rulings. As a result, the production of discovery will be limited to those topics that I have determined are likely not barred by claim or issue preclusion.

1. The request for documents related to Dorothea Hodges's pension fund (¶ 1 of the Motion) is denied, since the claim underlying that request—an agreement for Ms. Hodges to pay \$150,000 in exchange for Helm's Landing—was already decided by the Superior Court.<sup>1</sup>
2. The request for documents related to the Feb. 24, 2005 Mortgage (¶ 3 of the Motion) appears to be an attempt to (a) impeach Ms. Hodges's testimony in the Superior Court and (b) relitigate issues decided by the Superior Court. Neither of those practices is appropriate here. The Superior Court determined that Mr. Lorenzetti transferred the house to Ms. Hodges in fee simple in January 2005;<sup>2</sup> therefore, Mr. Lorenzetti has no interest in Ms. Hodges's mortgage on that home in February 2005.
3. The request at ¶ 4 of the Motion for documents related to “the 27 Aug. 2008 payoff when the property was mortgaged to both Dorothea Hodges and

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<sup>1</sup> See *Lorenzetti v. Hodges*, C.A. No. S10C-07-007, at 11 (Del. Super. Apr. 27, 2012) (TRANSCRIPT).

<sup>2</sup> *Id.* at 8.

Michael Bagley” is denied, because the Superior Court concluded that Mr. Lorenzetti had transferred Helm’s Landing to Dorothea Hodges in fee simple.<sup>3</sup> Therefore, Mr. Lorenzetti has no viable claim regarding Ms. Hodges’s use of the proceeds of the sale of the house.

4. Mr. Lorenzetti’s request at ¶ 5 of the Motion, concerning the “Draft Deed” is denied, because the Superior Court already made a ruling regarding the validity of the deed and that the deed conveyed a fee simple interest.<sup>4</sup>
5. Mr. Lorenzetti’s requests related to Ms. Hodges’s communications with her attorneys are denied (¶¶ 6, 7). That information is subject to attorney-client privilege. Furthermore, the requested information appears to relate to the presence or validity of the agreement regarding the sale of the house, which was already litigated and decided in the Superior Court.
6. Mr. Lorenzetti’s requests related to the drafting and changing of Ms. Hodges’s will is denied (¶¶ 8-10). The Superior Court already determined that Ms. Hodges did not agree to leave her property to Mr. Lorenzetti at death and had the right to change her will to leave her property to her children.<sup>5</sup>

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

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 9:3-8 (“Since Hodges never promised in 2004 or any other time to create a reciprocal will, she was entitled to change her will, leaving everything to her children, which she did. Hodges prepared the first will under duress and acted within her rights in changing the will because she had not promised otherwise.”).

Despite my conclusions above, I have determined that some of Mr. Lorenzetti's requests are appropriate. Therefore, within thirty days, the Defendants should produce the following documents:

1. The requested documents outlined in ¶ 2 of the Plaintiff's Motion, namely:  
“proof of all deposits made by Dorothea Hodges of funds requested by the Plaintiff to be held in trust for him and deposited into any and all accounts made by Dorothea Hodges . . . .”
2. The requested documents related to the claim for breach of fiduciary duty regarding the sale of Mr. Lorenzetti's Mustang automobile (¶ 11 of Motion).<sup>6</sup>

Ms. Hodges shall respond to these discovery requests within thirty days.

To allow the Defendants time to produce the require documents, it is necessary for the trial now scheduled for August 14, 2013 to be continued. I reaffirm to the litigants that I intend to move this matter quickly to provide all parties with a just and timely resolution. The trial is now scheduled for October 14, 2013 at 9:30 a.m. at the Court of Chancery in Georgetown, and will be rescheduled only for good cause.

To the extent that the foregoing requires an order to take effect, IT IS SO

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<sup>6</sup> However, Ms. Hodges need not “[s]pecifically describe, in minute detail, every part, nook and cranny” of the automobile, as Mr. Lorenzetti requests.

ORDERED.

Sincerely yours,

/s/ Sam Glasscock III

Vice Chancellor