

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

EARL H. SIMMONS, : C.A. No. S07C-08-039
Plaintiff, :
v. :
WACHOVIA BANK, :
Defendant. :

O R D E R

1) On July 24, 2008, this Court entered an order which granted plaintiff Earl H. Simmons' ("plaintiff") motion to proceed *in forma pauperis*. The Court also ruled that the complaint was unintelligible and it ordered plaintiff to file an amended complaint which set forth "a short and plain statement of the claim showing that the pleader is entitled to relief." Super. Ct. Civ. R. 8(a).

2) Plaintiff did not file an amended complaint in accordance with the rules of this Court. Instead, he took the Court's files and scratched through the named defendant, "WSFS Bank", replacing it with the name "Wachovia Bank". He added some language in the original complaint. He scratched through the name "WSFS" on this Court's July 24, 2008 order. He crossed out the original clock-in dates for each document in the file and re-clocked in each document for August 6, 2008. Most amazingly of all, he scratched out "WSFS" on the front of the file folder, wrote in the name "WACHOVIA", and then wrote: "Need New Folder". Because he committed the same

outrageous acts with regards to two other files, Simmons v. WSFS, C.A. No. S07C-08-022 and Simmons v. Schafer, et al., C.A. No. S07C-08-023, this Court enters the following order:

i) Earl H. Simmons never shall be allowed to handle a Superior Court file without direct supervision by an employee of the Superior Court during the entire period he is reviewing the file; and

ii) Should Earl H. Simmons again mark upon a file or any document in any file of this Court, this Court will deem him in contempt of Court and shall impose sanctions on him.

3) Plaintiff did submit, on August 6, 2008, a statement which the Court assumes is to be included with the original complaint.

4) Despite plaintiff's changes and additions, it remains impossible to determine what plaintiff is alleging against Wachovia Bank. This Court will not allow a complaint to go forward which is unintelligible. Neither the Court nor the defendant should have to guess at what plaintiff is alleging. Plaintiff has been given the opportunity to amend his complaint to correct this problem and he failed to do so. Thus, the complaint is dismissed.

IT IS SO ORDERED THIS 20th DAY OF AUGUST, 2008.

JUDGE

cc: Prothonotary's Office
Earl H. Simmons