

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

April 29, 2009

Matthew Carucci, Esquire
Carucci Butler, LLC
1216 North King Street
Wilmington, DE 19801

David R. Hackett, Esquire
Griffin & Hackett, P.A.
P.O. Box 927
Georgetown, DE 19947

Christopher Iacono, Esquire
Kevin E. Raphael, Esquire
**Pietragallo Gordon Alfano Bosick &
Raspanti, LLP**
1818 Market Street, Suite 3402
Philadelphia, PA 19103

RE: *Richard J. Sternberg, M.D. v. Nanticoke Memorial Hospital, et al.*
C.A. No. 07C-10-011(THG)

Dear Counsel:

The parties have submitted their respective positions in regard to the Rule 11 award of attorney's fees granted in the Court's decision of March 18, 2009.

Attorney's fees were ordered to Plaintiff for what the Court determined to be a frivolous counterclaim by the Defendant.

The Court ordered both Plaintiff's counsel and Defendant's counsel to provide proof of their attorney's fees. In contentious cases, I will ask both sides to provide the Court with what they have expended to determine if the prevailing party's fees are out of line. Both parties have spent much money, too much money. As I suggested earlier, there will be no winners in this case because it seems to have boiled down to getting a pound of flesh.

For the matter before me, Plaintiff's counsel seeks \$12,273.56 in connection with the Rule 11 Motion and reargument matters. Defense counsel reports billing of approximately \$11,300 to defend this motion.

The award of attorney's fees in this case is not so much about the reasonableness of the determination. *General Motors Corp. v. Cox*, 304 A.2d 55 (Del. 1973), but more about deterring comparable conduct by others.

Considering the purpose of the rule, I am awarding \$7,500.00 in attorney's fees payable by Defendant within thirty (30) days.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

baj
cc: Prothonotary