

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

JOELI A. McCAMBRIDGE,)	
Plaintiff,)	
)	
v.)	C.A. No.: 09C-02-030 FSS
)	E-FILED
SHIRLEY A. BISHOP and)	
ROMIE D. BISHOP,)	
Defendants.)	
)	

ORDER

**Upon Defendants’ Motions for Reconsideration of
Commissioner’s Orders – *DENIED***

1. On June 1, 2010, Defendants, *pro se*, filed six motions for reconsideration of pretrial orders issued on May 24, 2010.

2. The assigned commissioner denied three motions to compel, a motion for a pretrial conference and two motions to strike opposing counsel’s letters. Although Defendants’ motions are separate, they raise issues that are functionally the same. The orders are non case-dispositive.

3. Again, the court observes that Defendants’ motions, in large part, are ill-mannered, contemptuous and misinformed. As to the latter, for example, Defendants accuse the commissioner of bias toward “a fellow attorney.” In reality,

the commissioner is a full-time judicial officer. The commissioner is not a practicing “attorney.” Every day, the commissioner sides against one attorney or another. That is what judicial officers do. And, because an umpire calls a pitch a ball does not mean the official has it in for the pitcher. Sometimes, a ball is just a bad pitch.

4. Defendants would not stand for it if the court made intemperate remarks about them. By the same token, the court does not have to stand for a litigant’s boorishness. Consistent with the warning in the November 13, 2009 order,¹ all personal and offensive references to the commissioner are **STRICKEN** from Defendants’ pending motions.

5. The court now puts Defendants on further notice: The court will not, as it is doing here, redact and then consider the next pleading that makes personally offensive, contemptuous accusations against the court. The court will docket a contemptuous or uncivil pleading, but provide no other response. From now on, if Defendants want to be heard, Defendants will address the court courteously.

¹*McCambridge v. Bishop*, C.A. No. 09C-02-030, at 2 (Del. Super. Nov. 13, 2009) (“For now, the court will continue to ignore Defendants’ contemptuous and abusive tone. . . . Defendants are now on notice that under Superior Court Civil Rule 12(f), the court may order stricken any insolent or rude matter they offer in any further pleading.”); *see also* *McCambridge v. Bishop*, C.A. No. 09C-02-030, at 2 (Del. Super. Oct. 6, 2009) (“Appellant continues to strike a belligerent and bullying tone. For example, Appellant insists that this judge should refer the commissioner for disciplinary proceedings and report himself for the same.”); *McCambridge v. Bishop*, C.A. No. 09C-02-030, at 1 (Del. Super. May 8, 2009) (“The [Defendant’s] filing is out of order, conclusory and, in part, contemptuous.”).

6. Substantively, the commissioner's trial scheduling order sets a pretrial conference on August 24, 2010. If anything, that may be too soon. Typically, for reasons of judicial efficiency, a pretrial conference follows the resolution of all dispositive motions.

7. The requests for reconsideration of the denial of the motions to strike counsel's letters are mostly based on incorrect assumptions and personal invective. They do not merit further consideration.

8. Defendant, Romie Bishop's, motions to compel are vague, conclusory and, as the commissioner held, untimely. Defendant, Shirley Bishop's, motion to compel answers to interrogatories, while untimely, bears mention. As the commissioner's orders correctly reflect, the discovery period has ended. The case has reached the dispositive motion stage. Therefore, to the extent that a request for admission was neither answered nor objected to, the request will be deemed admitted. Similarly, to the extent that a party has been asked to identify an expert or a witness and none has been identified, for all purposes the court will now hold that there is no expert or witness. If an expert report was requested and not produced, the party that did not produce the report then, cannot produce it now. And so on.

9. The parties will not be allowed to support or defend a motion for summary judgment or for directed verdict by now producing materials and

testimony requested during the discovery phase, but which were not produced. If that means a summary judgment or directed verdict is granted, or denied, because a party failed to take the discovery process seriously, so be it. In that way, it is possible that the Bishops' motions relating to discovery may ultimately work to their advantage. Meanwhile, it does not appear that denial of their motion to compel was an abuse of discretion, legally incorrect or unfairly prejudicial.

For the foregoing reasons, Defendants' motions for reconsideration, dated June 1, 2010, are **DENIED**.

IT IS SO ORDERED.

Date: August 24, 2010

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Civil)

pc: Joeli McCambridge, *pro se* (via US Mail and hand delivered 8/24/10 at PTC)

Shirley Bishop, *pro se* (via US Mail and hand delivered 8/24/10 at PTC)

Romie Bishop, *pro se* (via US Mail and hand delivered 8/24/10 at PTC)

Louis J. Rizzo, Esquire (via Lexis E-File)