

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

THOMAS E. NOBLE,)
)
 Plaintiff,)
)
 v.) C.A. No. N18C-06-163 JRJ
)
 QBE INSURANCE COMPANY, and)
 JOHN LAVERDIERE,)
)
 Defendants.)

Submitted: June 22, 2018
Decided: July 30, 2018

*Upon Initial Review of the Complaint: **DISMISSED.***

ORDER

AND NOW TO WIT, this 30th day of July, 2018, the Court having duly considered the Complaint, **IT APPEARS THAT:**

1. Self-represented Plaintiff Thomas Noble brings an action against QBE Insurance Company (“QBE”), Noble’s insurer, and John Laverdiere, a claims adjuster for QBE, for allegedly “defrauding [Noble]” on his homeowner’s insurance policy.¹ Noble alleges his home was “burglarized and sustained extensive damage” while he was “wrongfully imprisoned by the Illuminati controlled State of Delaware on false charges...and was unconstitutionally

¹ Compl. at 2. (Trans. ID 62166155) (D.I. 1). Noble is proceeding *in forma pauperis*.

coerced by [a Superior Court judge] into pleading ‘no contest.’”² Noble claims he submitted an insurance claim for the damage to his home and received \$828.³ According to one of Noble’s conclusory allegations, “Defendant Laverdiere’s damage estimate was false.” He, therefore, seeks \$396,365 in compensatory, punitive, and unspecified damages, plus court costs.⁴

2. When considering whether a complaint should be dismissed for failure to state a claim upon which relief can be granted,⁵ the Court must read the complaint generously and accept all well-pled allegations contained therein as true.⁶ Allegations that are merely conclusory and lacking factual basis will not survive a motion to dismiss.⁷ When a complaint includes claims of fraud, the Court must also take into account Delaware Superior Court Civil Rule 9(b), which requires the plaintiff to plead allegations of actual fraud with particularity. The underlying purpose of Rule 9(b) is to ensure that a defendant is put on sufficient notice so that it may defend itself against a

² *Id.* at 1 (internal emphases omitted) (internal parenthetical omitted).

³ *Id.* ¶ 6.

⁴ *Id.* at 2.

⁵ See Super. Ct. Civ. R. 12(b)(6).

⁶ *In re Gen. Motors (Hughes) S'holder Litig.*, 897 A.2d 162, 168 (Del. 2006); *Lagrone v. Am. Mortell Corp.*, 2008 WL 4152677, at *4 (Del. Super. Sept. 4, 2008).

⁷ *Brevet Capital Special Opportunities Fund, LP v. Fourth Third, LLC*, 2011 WL 3452821, at *6 (Del. Super. Aug. 5, 2011).

plaintiff's allegations.⁸ To satisfy this purpose, it is usually necessary to allege "the time, place and contents of the false representations," while "[m]alice, intent knowledge, and other condition of mind of a person may be averred generally."⁹

3. When the Court dismisses an indigent plaintiff's complaint as legally frivolous, it is "limited to screening out only those claims that are based on an indisputably meritless legal theory."¹⁰ With regard to Noble's Complaint, the Court finds that Noble fails to provide justification or facts to support his claims for damages.
4. To the extent that the Complaint is not legally and factually frivolous, Noble fails to plead alleged fraud with particularity. Though it is clear Noble seeks more than \$395,000 in excess of the amount he was awarded on his insurance policy, he merely avers the "damage estimate was false."¹¹ Without more,

⁸ *WP Devon Assocs. v. Hartstrings, LLC*, 2012 WL 3060513, at *4 (Del. Super. July 26, 2012) (citing *Chesapeake & Potomac Tel. Co. v. Chesapeake Utils. Corp.*, 436 A.2d 314, 338 (Del. 1981)).

⁹ *ITW Global Inv. Inc. v. American Industrial Partners Capital Fund IV, L.P.*, 2015 WL 3970908, at *5 (Del. Super. June 24, 2015); *but see Seiden v. Kaneko*, 2015 WL 7289338, at *12 (Del. Ch. Nov. 2, 2015) (citing *Craftmatic Sec. Litig. v. Kraftsow*, 890 F.2d 628, 645 (3d Cir. 1989) ("Courts must be sensitive to the fact that application of Rule 9(b) prior to discovery 'may permit sophisticated defrauders to successfully conceal the details of their fraud.'").

¹⁰ *Deputy v. Dr. Conlan*, 947 A.2d 1121 (Del. 2007); *see* 11 *Del. C.* § 8801(7).

¹¹ Compl. ¶ 7.

defendants are not put on sufficient notice so that they may defend themselves against Noble's allegations.¹²

5. The Complaint fails to state a claim upon which relief may be granted. The Court is instructed to dismiss a complaint where “even a *pro se* litigant, acting with due diligence, should have found well settled law disposing of the issue(s) raised.”¹³
6. In the United State District Court for the District of Delaware, Noble “has engaged in filing numerous lawsuits that contain frivolous legal arguments that are vexatious and abuse the judicial process,” and is enjoined from filing civil rights complaints without prior court approval.¹⁴ The United States Court of Appeals for the Third Circuit has gone as far as describing Noble as a “serial litigator,” filing over five dozen lawsuits in federal district courts, including more than 30 complaints in the United States District Court for the District of Delaware.¹⁵
7. This Complaint is at least the second frivolous action Noble has filed with this Court in a matter of days,¹⁶ leading this Court to find Noble has abused the judicial process.¹⁷ 10 *Del. C.* § 8803 provides that:

¹² See *WP Devon Assocs.*, 2012 WL 3060513, at *4.

¹³ 10 *Del. C.* § 8803(b).

¹⁴ *In re Noble*, 2018 WL 2793945, at *1 (D. Del. 2018).

¹⁵ *In re Noble*, 663 F. App'x 188, 189 (3d Cir. 2016) (per curiam).

¹⁶ See C.A. No. N18C-05-160 JRJ.

¹⁷ See 10 *Del. C.* § 8803(e).

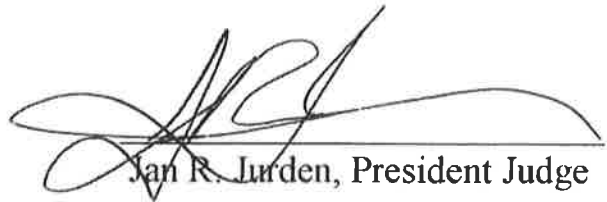
When a court finds that a litigant has abused the judicial process by filing frivolous or malicious litigation, the court may enjoin that litigant from filing future claims without leave of court. When so enjoined, any future requests to file claims must be accompanied by an affidavit certifying that:

- (1) The claims sought to be litigated have never been raised or disposed of before in any court;
- (2) The facts alleged are true and correct;
- (3) The affiant has made a diligent and good faith effort to determine what relevant case law controls the legal issues raised;
- (4) The affiant has no reason to believe the claims are foreclosed by controlled law; and
- (5) The affiant understands that the affidavit is made under penalty of perjury.

8. Accordingly, Thomas Noble is henceforth enjoined from filing future claims without leave of court when proceeding *in forma pauperis*. Future requests to file claims must be accompanied by an affidavit certifying the above enumerated requirements.

NOW, THEREFORE, based upon the foregoing, Plaintiff's Complaint filed on June 22, 2018 is hereby **DISMISSED**. Henceforth, Plaintiff is enjoined from filing future claims without leave of court when proceeding *in forma pauperis*.

IT IS SO ORDERED.



Jan R. Jurden, President Judge

Original to Prothonotary
cc: Thomas E. Noble, *pro se* Plaintiff