

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NINA SHAHIN,	§
	§
Plaintiff Below-	§ No. 93, 2007
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
DEL-ONE DELAWARE	§ of the State of Delaware,
FEDERAL CREDIT UNION,	§ in and for Kent County
	§ C.A. No. 06C-10-027
Defendant Below-	§
Appellee.	§

Submitted: March 14, 2008

Decided: June 9, 2008

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 9th day of June 2008, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant, Nina Shahin, filed this appeal from a decision of the Superior Court, dated January 22, 2007, which granted the defendant, Del-One Delaware Federal Credit Union's (Del-One) motion for judgment on the pleadings. Shahin also appeals the Superior Court's award of attorneys fees against her.¹ We find no merit to the appeal. Accordingly, we affirm the Superior Court's judgment.

¹ Plaintiff filed her notice of appeal in this Court on February 20, 2007. After the notice of appeal was filed, Del-One filed a motion for attorneys fees in the Superior Court, which the Superior Court granted on March 16, 2007. We vacated the award of attorneys fees as improvidently granted because the Superior Court had no jurisdiction to act on Del-One's motion while Shahin's appeal was pending. Accordingly, we remanded the matter back to the Superior Court for a hearing and decision on the request for attorneys fees. Shahin failed to appear at the hearing. The Superior Court granted Del-One's motion for attorneys fees.

(2) The record reflects that Shahin, who is a Del-One customer, filed her complaint in the Superior Court in October 2006 for alleged accounting mistakes made by Del-One and other alleged incidents of poor customer service in connection with banking transactions conducted by Shahin and her husband in 2003, 2004, and 2005. Her complaint sought damages in excess of \$100,000. Prior to filing her complaint in October 2006, Shahin had filed lawsuits in other Delaware courts against Del-One alleging identical or nearly identical claims. Those other actions were resolved against Shahin.

(3) Del-One answered Shahin's complaint and later filed a motion for judgment on the pleadings. Despite Shahin's contention to the contrary, the record reflects that Del-One's motion was properly noticed on December 21, 2006 with a hearing date scheduled for January 19, 2007. Following the hearing, the Superior Court issued an opinion holding that Shahin's claims were barred by the doctrine of *res judicata* and otherwise failed to state any legally cognizable claim for relief. After filing her notice of appeal, this Court remanded the matter to the Superior Court for consideration of Del-One's motion for attorneys fees. Shahin notified the Superior Court of her intention not to appear at the hearing. The Superior Court held the hearing on July 19, 2007, in Shahin's absence, and awarded Del-One a portion of its fee request, \$2984.79, as a sanction against Shahin² for bringing claims that were both factually and legally unwarranted.

² See Super. Ct. Civ. R. 11(c) (2008).

(4) In her opening brief on appeal, Shahin contends that the Superior Court’s rulings were both erroneous and an abuse of discretion. We disagree. The Superior Court correctly determined that Shahin’s claims were barred by the doctrine of *res judicata* and the rule against claim splitting because she had previously raised, or could have raised, the same claims in her previous lawsuits.³ Moreover, we find no abuse of discretion in the Superior Court’s award of attorneys fees to Del-One as a sanction against Shahin for repeated, unwarranted litigation.⁴ Under the unique circumstances of this case, it appears that a monetary sanction may be the only means of deterring Shahin from filing future baseless claims. The Superior Court’s award in this case took into account Shahin’s status as a pro se litigant and awarded Del-One only a fraction of its actual attorneys fees incurred in defending against Shahin’s frivolous claims.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

³ See *Maldonado v. Flynn*, 417 A.2d 378, 382 (Del. Ch. 1980) (“The rule against claim splitting is an aspect of the doctrine of *res judicata* and is based on the belief that it is fairer to require a plaintiff to present in one action all of his theories of recovery relating to a transaction, and all of the evidence relating to those theories, than to permit him to prosecute overlapping or repetitive actions in different courts or at different times.”).

⁴ See *Barker v. Huang*, 610 A.2d 1341, 1345 (Del. 1992) (noting that Rule 11 sanctions are appropriate to deter and punish frivolous litigation).