

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|-------------------------|---|------------------------------|
| LEONARD H. BECK, | § | |
| | § | |
| Plaintiff Below- | § | No. 221, 2004 |
| Appellant, | § | |
| | § | |
| v. | § | Court Below---Superior Court |
| | § | of the State of Delaware, |
| | § | in and for New Castle County |
| M. JANE BRADY, Attorney | § | C.A. No. 03C-11-115 |
| General, | § | |
| | § | |
| Defendant Below- | § | |
| Appellee. | § | |

Submitted: July 27, 2004
Decided: September 20, 2004

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices

ORDER

This 20th day of September 2004, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The plaintiff-appellant, Leonard H. Beck, filed an appeal from the Superior Court's May 17, 2004 order dismissing his complaint. The defendant-appellee, Attorney General M. Jane Brady, has moved to affirm the Superior Court's judgment on the ground that it is manifest on the face of Beck's opening brief that the appeal is without merit.¹ We agree and AFFIRM.

¹ Supr. Ct. R. 25(a).

(2) On November 13, 2003, Beck filed a complaint in the Superior Court alleging that the Attorney General had breached a contract with him, a Delaware taxpayer, to educate “defiant youth.” Beck argued that, under her contractual obligations, the Attorney General must provide education and training for such “defiant youth” and requested that a separate school be built for them, according to specifications included in the complaint.

(3) Having been served with the complaint, the Attorney General filed a motion for a more definite statement.² A hearing on the motion was held on February 10, 2004 and the Superior Court granted the Attorney General’s motion. Beck did not appear for the hearing, but did subsequently file a pleading purporting to clarify his claims. In March 2004 the Attorney General filed a motion to dismiss for failure to state a claim upon which relief may be granted.³ At a hearing on the motion, with all parties present, the Superior Court granted the motion, finding that Beck had not demonstrated that he was entitled to any relief under the facts alleged in the complaint.⁴

(4) The standards governing a motion to dismiss for failure to state a claim are well-settled: a) all well-pleaded factual allegations are accepted as true;⁵

² Super. Ct. Civ. R. 12(e).

³ Super. Ct. Civ. R. 12(b) (6).

⁴ *Spence v. Funk*, 396 A.2d 967, 973 (Del. 1978).

⁵ *Precision Air v. Standard Chlorine of Del.*, 654 A.2d 403, 406 (Del. 1995).

b) even vague allegations are “well-pleaded” if they give the opposing party notice of the claim;⁶ c) the court must draw all reasonable inferences in favor of the non-moving party;⁷ and d) dismissal is inappropriate unless the plaintiff would not be entitled to recover “under any reasonably conceivable set of circumstances susceptible of proof.”⁸

(5) We have reviewed Beck’s complaint de novo.⁹ We agree with the Superior Court that, drawing all reasonable inferences in favor of Beck, he would not be entitled to recover “under any reasonably conceivable set of circumstances susceptible of proof” and, therefore, his complaint was properly dismissed.

(6) It is manifest on the face of Beck’s opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, clearly there was no abuse of discretion.

⁶ Id.

⁷ *Ramunno v. Cawley*, 705 A.2d 1029, 1034 (Del. 1998).

⁸ *Kofron v. Amoco Chems. Corp.*, 441 A.2d 226, 227 (Del. 1982).

⁹ *Precision Air v. Standard Chlorine of Del.*, 654 A.2d at 406.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice