

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PATRICIA A. MEYERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 11-329-SLR
	)	Del. Ch. Ct. No.4739-VCL
DENNIS L. SMITH,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

At Wilmington this ~~14~~<sup>15</sup> day of April, 2011, having reviewed the case removed from the Delaware Court of Chancery in and for Sussex County;

IT IS ORDERED that the case is summarily remanded to the Delaware Court of Chancery in and for Sussex County, for the reasons that follow:

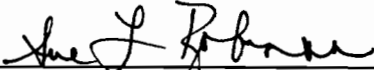
1. This is third time defendant Dennis L. Smith ("defendant") has removed *Meyers v. Smith*, Civ No. 4739-VCL (Del. Ch.) to this court. The two prior attempts at removal resulted in summary remands. See *Meyers v. Smith*, Civ. No. 09-579-JJF, summarily remanded August 25, 2009 (D.I. 4, 5); *Meyers v. Smith*, Civ No. 10-199-LPS, summarily remanded May 12, 2010 (D.I. 22, 23).

2. Following his second attempt at removal, defendant was placed on notice that future notices of removal of the Chancery Court action would not be considered, would be summarily remanded, and may subject him to sanctions. *Meyers v. Smith*, Civ No. 10-199-JJF-LPS (D.I. 22, 23). Defendant, nonetheless, did not heed the warning and filed a third notice of removal. The notice of removal contains argument similar to that

presented by defendant during a hearing held before the undersigned on April 8, 2011 on his motion for a restraining order in *Smith v. Stark*, Civ. No. 11-257-SLR.

3. The notice of removal is not considered. Defendant's repeated removal of *Meyers v. Smith*, Civ No. 4739-VCL (Del. Ch.) is vexatious and an abuse of the legal process. Indeed, in a companion case this date, the court has ordered defendant to show cause why he should not be enjoined from filing similar notices of removal in this court without prior authorization.

4. For the above reasons, *Meyers v. Smith*, Civ No. 4739-VCL (Del. Ch.) is summarily remanded to the Delaware Court of Chancery in and for Sussex County. The Clerk of Court is directed to close the case.

  
UNITED STATES DISTRICT JUDGE