

SUPREME COURT OF DELAWARE

Buchanan v. Gay

929 A.2d 783 (Del. 2007) · No. No. 562, 2006 · Decided May 17, 2007

SUMMARY

The Delaware Supreme Court affirmed the Superior Court’s dismissal of David J. Buchanan’s complaint seeking \$37 million in damages against an attorney, a nurse, and a law firm. The Court granted the appellees’ motions to affirm, concluding that the appeal was manifestly without merit and that the Superior Court committed no legal error or abuse of discretion.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Carolyn Berger, Justice; Holland, Justice; Berger, Justice; Jacobs, Justice
JURISDICTION	Delaware
DECIDED	May 17, 2007
DOCKET	No. 562, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Buchanan appealed the Superior Court's dismissal of his complaint and denial or disposition of his related motions. The appellees moved to affirm under Delaware Supreme Court Rule 25(a).
STANDARD OF REVIEW	The Supreme Court reviewed the Superior Court's rulings for error of law and abuse of discretion, concluding that neither was apparent.
PRECEDENTIAL VALUE	published
PARTIES	David J. Buchanan, in the interest of Heidi N. Buchanan v. Thomas E. Gay, Esquire, Thalia Joan Gay, Stumpf, Vickers & Sandy, P.A.

TOPICS

- motions to dismiss
- appellate procedure
- civil procedure
- medical malpractice
- standing

PRACTICE AREAS

- civil procedure
- appellate procedure
- medical malpractice
- family law
- bankruptcy

QUESTIONS PRESENTED

1. Whether the Superior Court erred or abused its discretion in dismissing Buchanan's complaint and otherwise denying relief on his motions.
2. Whether the appeal was manifestly without merit such that the appellees' motions to affirm should be granted under Delaware Supreme Court Rule 25(a).

HOLDINGS

1. The Supreme Court found no discernible error of law or abuse of discretion in the Superior Court's dismissal of the complaint and denial or disposition of Buchanan's other motions.

KEY QUOTATIONS

“We find it manifest on the face of the opening brief that the appeal is without merit.” (929 A.2d at 783)

“The Court cannot discern an error of law or abuse of discretion on the part of the Superior Court when dismissing the complaint and otherwise denying relief.” (929 A.2d at 783)

“The judgment of the Superior Court is AFFIRMED.” (929 A.2d at 783)

FACTUAL BACKGROUND

Buchanan sued an attorney, the attorney's spouse who was a nurse, and the attorney's law firm, asserting a wide range of damages claims arising from medical care, family-law and bankruptcy-related proceedings, and litigation conduct. The nurse defendant sought dismissal for failure to file the affidavit of merit required for healthcare negligence claims. The attorney and law-firm defendants sought dismissal based on failure to state a cognizable claim, failure to join a necessary party, collateral estoppel, judicial estoppel, absolute privilege, and lack of standing. Buchanan also attempted to pursue relief on behalf of his daughter, but the Superior Court dismissed those claims based on representation and standing-related deficiencies.

PROCEDURAL HISTORY

Buchanan filed a complaint seeking \$37 million in damages based on numerous asserted claims, including medical malpractice, breach of fiduciary duty, defamation, emotional distress, abuse of process, bankruptcy-law violations, and civil-rights violations. The Superior Court granted the defendants' motions to dismiss on September 21, 2006, and denied Buchanan's motion for reargument on October 13, 2006. Buchanan timely appealed, and the Supreme Court granted the motions to affirm and affirmed the Superior Court's judgment.

DISPOSITION

affirmed

CASES CITED

- Buchanan v. Gay, 2006 WL 2709401 (Del. Super. Ct.)

