

SUPREME COURT OF DELAWARE

Haskins v. Kay

963 A.2d 138 (Del. 2008) · No. No. 82, 2008 · Decided December 16, 2008

SUMMARY

The Delaware Supreme Court affirmed in part and reversed in part the Superior Court's dismissal of Carl Haskins's claims against probation officer Jeff Kay. The Court held that Haskins's allegations of theft and property damage were sufficient at the pleading stage to support an individual-capacity tort claim and potentially overcome qualified immunity. The matter was remanded for further proceedings, while the remaining rulings were affirmed.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Randy J. Holland, Justice; Myron T. Steele, Chief Justice; William T. Quillen Berger, Justice
JURISDICTION	Delaware
DECIDED	December 16, 2008
DOCKET	No. 82, 2008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Haskins appealed the Superior Court's dismissal of his complaint against probation officer Jeff Kay on sovereign-immunity grounds and for failure to state a claim under 42 U.S.C. § 1983.
STANDARD OF REVIEW	De novo review applies to a grant of a motion to dismiss under Superior Court Civil Rule 12(b)(6). The complaint's factual allegations are accepted as true, and all reasonable inferences are viewed in the plaintiff's favor.
PRECEDENTIAL VALUE	published Delaware Supreme Court opinion
PARTIES	Carl J. Haskins, Jr. v. Jeff Kay

TOPICS

- motions to dismiss
- civil procedure
- appellate procedure
- standard of review
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Haskins's complaint stated a legally sufficient individual-capacity tort claim against Kay to withstand a Rule 12(b)(6) motion.
2. Whether the trial judge plainly erred by failing to recuse himself based on prior involvement in Haskins's criminal case and former service as a deputy attorney general.
3. Whether Haskins could relitigate his challenge to the validity of the criminal indictment.
4. Whether the Superior Court's dismissal of the official-capacity claim was erroneous because the State had waived sovereign immunity through insurance coverage.

HOLDINGS

1. Haskins's allegations that Kay stole valuable property and caused substantial damage were sufficient at the pleading stage to withstand dismissal of the individual-capacity claim under Rule 12(b)(6).
2. The Superior Court judge was not required to recuse himself based on prior adverse rulings or prior involvement in Haskins's criminal case, and Haskins identified no objective basis to question the judge's impartiality.
3. The Supreme Court declined to consider Haskins's repetitive challenge to the validity of the criminal indictment because the issue had already been decided against him.

KEY QUOTATIONS

“The test for determining the sufficiency of a claim is a broad one, that is, we must determine whether the plaintiff would be entitled to recover under any reasonably conceivable set of circumstances susceptible of proof under the complaint.” ((7))

“If proven, these facts could present a meritorious basis for relief by overcoming Kay's assertion of qualified immunity under the State Torts Claim Act.” ((8))

FACTUAL BACKGROUND

Haskins alleged that, after his release from prison in 2001, he was fraudulently induced to sign release papers imposing probation conditions that were not part of his original sentence. He alleged that probation officer Jeff Kay and another officer searched his apartment on July 12, 2005, and returned the next evening while Haskins was jailed, damaging his property and taking collectibles and electronics worth thousands of dollars. Haskins sued Kay and other officials in their official and individual capacities.

PROCEDURAL HISTORY

The Superior Court initially dismissed all claims except those against Kay. It later dismissed the claims against Kay after receiving information that the State had no insurance coverage and concluding that the complaint did not state a § 1983 claim. The Supreme Court of Delaware affirmed the judgment in all other respects but reversed the dismissal of Haskins's individual-capacity claim against Kay and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded for further proceedings consistent with the order on Haskins's individual-capacity claim against Kay. The judgment was affirmed in all other respects.

CASES CITED

- Haskins v. Kay, 2007 WL 4662114 (Del. Super. Sept. 27, 2007)
- Haskins v. Kay, 2008 WL 484444 (Del. Super. Feb. 5, 2008)
- In re Haskins, No. 472, 1994, Hartnett, J. (Del. Jan. 11, 1995)
- In re Wittrock, 649 A.2d 1053, 1054 (Del. 1994)
- Evans v. State, 2005 WL 5118396 (Del. Jan. 24, 2005)
- Wal-Mart Stores, Inc. v. AIG Life Ins. Co., 901 A.2d 106, 112 (Del. 2006)
- Spence v. Funk, 396 A.2d 967, 968 (Del. 1978)
- Doe v. Cahill, 884 A.2d 451, 458 (Del. 2005)
- Wiers v. Barnes, 925 F. Supp. 1079, 1092 (D. Del. 1996)

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