

## **APPENDICES**

### **TABLE OF CONTENTS**

- Appendix A** - Third Circuit Court Clerk's covering letter to the certified copy of the Court's Order in the case dated 10/24/2019.
- Appendix B** - Third Circuit Court of Appeals Order dismissing Petitioners' case for alleged "lack of subject matter jurisdiction" dated September 11, 2019 but certified and mailed to the Petitioner on 10/24/2019.
- Appendix C** - Third Circuit Court of Appeals denial dated 10/16/2019 of the Petitioner's Motion for Re-consideration.
- Appendix D** - Petitioner's Petition for Panel Re-hearing filed on 09/24/2019.
- Appendix E** - Petitioner's 'Objections regarding Administrative Assistant's Determination about Jurisdiction of This Court over This Particular Case' filed on 05/11/2019 (without attachments).
- Appendix F** - Third Circuit of Appeals Opinion and Judgment dated 05/02/2019 denying Petitioner's Writ of Mandamus for three reasons: 1) It "is closely related

to two civil vases,” 2) “The CVRA guarantees the victim of federal crimes a variety of rites” and Shahin is not a victim of federal crimes, and 3) “Shahin does not challenge the District Court’s remand order...” at superscript 1.

**Appendix G** - Delaware Supreme Court Order dated 05/02/2019 denying Petitioner’s Motion for Reargument and imposing private attorneys’ fees to be paid by the Petitioner.

**Appendix H** - Third Circuit Court of Appeal’s Clerk’s letter about potential dismissal of the Petitioner’s appeal due to alleged “jurisdictional defects” and summery action dated 04/26/2019.

**Appendix I** - Petitioner’s Amended Motion for Reargument filed on 04/26/2019.

**Appendix J** - Copy of the Petitioner’s letter dated 04/11/2019 mailed to the Third Circuit Court of Appeals Case Manager, Timothy McIntyre, who was the Case Manager in her Petition for Writ of Mandamus

**Appendix K** - Delaware Supreme Court Order of 04/04/2019 denying Petitioner’s Mot-

tion for access to the tape Court recording of the hearing held at of Common Pleas and directing professional attorneys to file affidavits related to their fees and expenses to be paid by the Petitioner.

**Appendix L** - Petitioner's Motion for Reargument per Local Rule 7.1.5. filed on 08/27/2018 at the federal district court for the District of Delaware.

**Appendix M** - Memorandum Opinion and Order by the District Court Judge, Leonard P. Stark, dated 08/13/2018 denying Petitioner's request for transfer.

**Appendix N** - Order of the Delaware Superior Court Order dated 06/20/2018 affirming the decision of Court of Common Pleas.

**Appendix O** - Court of Common Pleas transcript of "pretrial" phone hearing held on 06/28/2017 that denied all Petitioner's claims.

**Appendix P** - Letter from the Synchrony Bank dated 08/19/2016 regarding "unauthorized use" and/or "fraud" related to the Petitioner's credit card.

- Appendix Q** - Extract from Synchrony Bank/Sam's Club credit card statement for the period - August – September 2016.
- Appendix R** - Copy of the Delaware Department of Labor dated 05/30/2017 with warning about security data breach with offer of different safeguards to protect against identity theft.
- Appendix S** - Copy of the AICPA dated 05/08/2006 regarding potential data security breach with offer of different safeguards to protect against identity theft.
- Appendix T:** - Copy of the page from a local newspaper *Delaware State News* issue dated 10/27/2019 and advertised by the Citizen's for a Pro-Business (in Delaware).

OFFICE OF THE CLERK  
UNITED STATES COURT OF APPEALS  
FOR THIRD DISTRICT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790  
Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

**Patricia S. Dodszuweit**  
**Clerk**

**TELEPHONE**  
**215-597-2995**

October 24, 2019

John A. Cerino  
United States District Court for the District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Wilmington, DE 19801

RE: Nina Shahin v. Dover Sam's Club, et al  
Case Number: 19-1830  
District Court Case Number: 1-17-cv-01223

Dear District Court Clerk,

Enclosed herewith is the certified copy of the order in the above-captioned case(s). The certified order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified order is also enclosed showing costs taxes, if any.

Very truly yours,  
Patricia S. Dodszuweit, Clerk

**Appendix A, page 1**

**UNITED STATES COURT OF APPEALS FOR THE  
THIRD CIRCUIT**

C.A. No. **19-1830**

NINA SHAHIN, Appellant

VS.

DOVER SAM'S CLUB; ET AL.,

(D. Del. Civ. No. 1-17-cv-01223)

Present: CHAGARES, RESTREPO and SCIRICA,  
Circuit Judges

Submitted are:

- (1) By the Clerk for possible dismissal due to jurisdictional defect;
- (2) By the Clerk for possible summary action under 3<sup>rd</sup> Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures; and
- (3) Appellant's response

In the above-captioned case.

Respectfully,

Clerk

ORDER

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This appeal is dismissed for lack of appellate juris-  
**Appendix B, page 1**

diction in part and summarily affirmed in part. To the extent that Shahin removed her action pursuant to 28 U.S.C. § 1441, we lack jurisdiction to review the District Court's order remanding the matter to state court or denying reconsideration because the District Court remanded for lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c), (d); Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 229 (2007); see also Agostini v. Piper Aircraft Corp., 729 F.3d 350, 353 (3d Cir. 2013) (“[I]f we do not have jurisdiction to review a remand order itself, we cannot have jurisdiction to review a motion to reconsider a remand order.”). To the extent that Shahin maintains that removal was proper under 28 U.S.C. § 1443, we summarily affirm the District Court's remand order and denial of reconsideration because § 1443 authorizes removal only by defendants, not plaintiffs like Shahin, see Balazik v. City of Dauphin, 107 F.3d 1044, 1050 (3d Cir. 1997) (quotation marks omitted), as is necessary to remove under § 1443.

By the Court,

s/Anthony J. Scirica  
Circuit Judge

Dated: September 11, 2019  
Tmm/cc: Nina Shahin  
Jeffrey L. Moyer, Esq.  
Nicole Pedi, Esq.  
Brian M. Rostocki, Esq.

**Certified as a true copy and issued in lieu of a  
formal mandate on October 24, 2019**

**Teste: s/ Patricia S. Dodszuweit (SEAL)  
Clerk, U.S. Court of Appeals for the Third Circuit  
Appendix B, page 2**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 19-1830

---

NINA SHAHIN,  
Appellant  
v.

DOVER SAM'S CLUB; SYNCHRONY BANK

---

SUR PETITION FOR PANEL REHEARING

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Present: CHAGARES, RESTREPO, and SCHIRICA,  
Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case have been submitted to the judges who participated in the decision of this court, it is hereby

O R D E R E D that the petition for rehearing by the panel is denied.

BY THE COURT,

s/Anthony J. Scirica, Circuit Judge  
**Appendix C, page 1**



**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

Nina Shahin,	)	No. 19-1830
	)	
Petitioner-Appellant	)	
v.	)	also related to Petition for
	)	Writ of Mandamus
SAM'S CLUB EAST., INC.,	)	No. 19-1682
AND SYNCHRONY BANK,	)	
	)	
Appellees,	)	

**PETITION FOR PANEL REHEARING BASED ON  
THE ISSUE OF GROSS ABUSE OF JUDICIAL  
DISCRETION, DENIAL OF ACCESS TO JUSTICE  
TO A NATIONAL MINORITY AND *PRO SE*  
LITIGANT, DISCRIMINATION AND  
CORRUPTION**

In *Pro Se* Representation by Nina Shahin

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Plaintiff-Appellant thereby files her Petition for Panel Rehearing because of the Court's gross abuse of judicial discretion, denial of justice to a national minority woman and *pro se* litigant, discrimination and resulting corruption of the entire judicial process. "Abuse of Judicial Discretion" is defined as a situation when a court does not apply the correct law or if it rests its decision on a clearly erroneous finding of a material fact. *See U.S. v. Rahm*, 993 F.2d 1405, 1410 (9<sup>th</sup> Cir.'91). A court may also abuse its discretion when the record contains no evidence to support its decision. *See MGIC v. Moore*, 952 F.2 1120, 1122 (9<sup>th</sup> Cir.'91). The Petitioner's case has all the indications mentioned in the cited cases and even more: complete disregard of facts even falsification of facts, complete disregard of the law and even fabrication of the legal standards that do not exist.

(1) The main legal and factual issue that the court used

**Appendix D, page 3**

in it decision is the issue of “jurisdiction” which the Judge Anthony J. Scirica claimed federal courts lacked in the Petitioner’s case which is a completely bogus claim, especially in view that not fact was used to support that claim. His references to the case law or rules do not support that claim of lack of jurisdiction. Quite the opposite, the ‘Civil Cover Sheet<sup>1</sup> necessary for use to file a lawsuit in the US Court for the District of Delaware specifically defines characteristics of a lawsuit filed in that court for determination of jurisdiction in section II., ‘Basis of Jurisdiction’ indicated under # 3 ‘Federal Question’ which, in Petitioner’s case, is the federal law, Fair Credit Opportunity Act, 15 U.S.C.

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<sup>1</sup> Civil Cover Sheet has eight (8) sections I. Plaintiffs/Defendants; II. Basis of Jurisdiction; III. Citizenship of Principal Parties; IV.p Nature of Suit; V. Origin; VI. Cause of Action; VII. Requested in Complaint; VIII. Related Case(s) if Any. Section II. ‘Basis of Jurisdiction’ has four subdivisions: 1. US Government/Plaintiff; 2. US Government/Defendant; 3. Federal Question; and 4. Diversity (*Indicate Citizenship of Parties in item III.*).

§1691 *et seq.*, and, therefore, District Court had original jurisdiction because the case involves rights guaranteed by that statute and violated in the Petitioner's case.

Moreover, references made by the Judge to the case law are questionable: 1) *Powerex Corp. v. Reliant Energy Servs.*, 551 U.S. 224, 229 (2007) involves issues not pertinent to the Petitioner's situation and expresses opinion quite the opposite to the claims made by the Judge. In particular, Judge Alito who delivered the decision wrote on page 228 the following:

"We reject this narrowing construction of §1447(c)'s unqualified authorization of remands for lack of "subject matter jurisdiction."

Nothing in the text of §1447(c) support the proposition that a remand for lack of subject-matter jurisdiction is not covered so long as the case was properly removed in the first instance. 2) Reference to *Agostini v. Piper Aircraft Corp.* 729 F.,3d 350, 353 (3<sup>rd</sup> Cir., 2013) is also questionable because the situation in that case is also

completely different from the Petitioner's because it involves the situation where remand to the federal court was improper because the pretext used for such a removal "diversity of jurisdiction" (see superscript reference 1 above) which is mentioned un # 4 on the 'Civil Cover Sheet' as a 'subject matter jurisdictional' basis for filing a lawsuit in the federal court was improperly used by defendant in that case because the defendants, AVCO and Textron were indeed also Pennsylvania residents the same as the plaintiffs in the case. JUDGE'S DECISION IGNORED AND/OR FALSIFIED ALL THOSE FACTS AND LEGAL STANDARDS.

(2) Then Judge Scirica claimed that "§1443 authorizes removal by defendants, not plaintiffs like Shahin" with reference to the decision of the Court in *Balazik v. City of Dauphine*, 44 F.3d 209, 214 n. 7 (3rd Cir. 1995) to support that claim. This is a fraudulent application of

law because nothing in that decision considers or defines different procedural rights for transfer/removals between courts made by either plaintiffs or defendants. The case was removed from a state to federal court by the defendants, 'Dauphine County Board of Assessment Appeals and Swatara' and no issue of the identity of the transferors claimed by the Judge was ever considered. Moreover, n. 7 cited by the Judge actually is located on page 215 not 214 and reads as follows:

"This argument, which amounts to the contention that §1447(d) bars review in all cases where a remand is required, must be rejected, as it contravenes the Supreme Court's ruling in *Thermtron* that review is barred only when the remand is based on §1447(c): "There is no indication that Congress intended to extend the prohibition against review to each remand orders entered on grounds not provided by the statute." *Thermtron*, 423 U.S. at 350, 96 S.Ct. at 592. Further, it fails to consider this Court's decisions reviewing, and in some cases affirming remands that were not based on §1447(c). As we have previously noted:

[W]hile section 1447(d) was intended to prevent delay in the trial of remanded cases by protracted litigation of jurisdictional issues, - and the district court is therefore given the last word on whether it has jurisdiction to hear the case,- that policy does not apply when the

**Appendix D, page 7**

district court has reached beyond jurisdictional issues or issues of defective removal, and has remanded for other reasons. *Foster v. Chesapeake Inc., Co., Ltd.*, 933 F.2 1207, 1211 (3<sup>rd</sup> Cir.), *cert. denied*, 502 U.S. 908, 112 S.Ct. 302, 116 L.Ed.2d 245 (1991), the jurisdictional bar of §1447(d) does not apply, and we have jurisdiction to review the May 11, 1994 order of the district court.”

So, there is absolutely nothing in that citation that would support Judge Scirica’s claim because the cited decision considers the merits of the transfer itself not the identity of the transferors. The problem with his argument is that although §1443 authorizes removal by defendants the reason that “defendants” specifically mentioned in that section is the fact that without such authorization defendants would have been stuck with jurisdiction chosen by plaintiffs who have unlimited freedom to choose jurisdiction in cases where such choice is available. On the webpage of American Bar Association this situation is described as follows:

“While a plaintiff is the master of her complaint (and decides the forum in which she will file lawsuit) the defendant is not without any say in the matter.”

**Appendix D, page 8**



So, the plaintiff, who, in this particular case is the Petitioner, *a priori* has a legal right to transfer the case to the District Court, especially since it has been filed under provisions of a federal statute, FACT COMPLETELY MISREPRESENTED AND FALSIFIED BY THE JUDGE. Moreover, the US Supreme Court in the case cited by the Judge in the above-mentioned paragraph related to “subject matter jurisdiction” also indicated under Part ‘A’ the following:

“The principal submission of the Solicitor General and petitioner is that the District Court’s remand order was not based on a lack of “subject matter jurisdiction” within the meaning of §1447(c) because that term is properly interpreted to cover *only* “a removal itself jurisdictionally improper.” Brief for United States as *Amicus Curiae* 8; *see also id.*, at 9-11; Brief for Petitioner 42-45. Under this interpretation, the District Court’s remand order was not based on a defect of subject-matter jurisdiction for purposes of §1447(c), since *the cross-defendants other than PETITIONER were statutorily authorized to remove the whole case in light of their sovereign status.* *See* 391 F.3d, at 1023.” At 228.

(3) And then the final Judge’s argument that “Shahin

has not shown that she has been denied or cannot enforce [her] specified federal rights in the state courts” is nothing short of another ostensible lie and fraud because Shahin specifically argued that point in her “Objections” to the Court’s Administrative Assistant determination of the legal deficiencies of her appeal filed in May of 2019 because in that key document she indicated that the case was filed in the State court under provisions of federal law with a copy of the supporting evidence provided in **Exhibit F** to her “Objections” submitted on May 11, 2019 and argued that no any decision of the State courts made any reference to any law under provisions of which her claims were denied. Moreover, although not mentioned in that document there is a fact that Chief Justice of the Delaware Supreme Court in order to harass and intimidate Petitioner pushed professional attorneys representing the Defendants to file claims for reimbur-

sement of their fees by the Petitioner although such reimbursements are not authorized by Delaware Law. Professional attorneys entered into collusion with the Judge who did not have jurisdiction because Petitioner requested transfer and under provisions of the Delaware Code such transfer was mandatory and filed such claims in order to harass and intimidate Petitioner. Petitioner wrote Petition for Impeachment of three Delaware Judges including Chief Justice and the Anne Hartnett Reigle who issued original decision in the Court of Common Pleas in this particular case. Nobody wants to accept and process that Petition written under provisions of the Delaware Constitution. Senator from the Petitioner's district Trey Paradee refused to accept the Petition by saying that all people against whom Petition is written are "his childhood friends." Chief Justice Leo Strine resigned effective this month.

(4) And the last but not least. As it was indicated in the

**Appendix D, page 11**

Administrative Assistant's communication of April 26, 2019 about alleged "jurisdictional defect" of the Petitioner's appeal that

"The order that you have appealed is an order remanding a case to a state court under 28 U.S.C. §1447(d)(enclosed), {It was not enclosed and that claim was a lie; remark by Petitioner, NS} an order remanding a case to the state court from which it was removed is not reviewable on appeal or otherwise."

Section 1447(d) reads as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise."

28 U.S.C. § 1443 'Civil rights cases' reads as follows:

"Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the court of such State a right under any law providing for the equal civil rights of citizens of the United states or of all person within the jurisdiction thereof: (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the grounds that it would be

**inconsistent with such law.”**

Judge A.J. Scirica failed to address that fraudulent pretext under which Petitioner’s appeal had been denied by Administrative Assistant by injecting the issue of the right to transfer a case allegedly assigned only to “defendants” and not plaintiffs’ Then he substituted claim of application of provisions of 28 U.S.C. § 1447(d) under which Petitioner’s appeal had been denied by Administrative Assistant for 28 U.S.C. § 1447(c) that prescribes procedural steps and has nothing to do with issues of jurisdiction or procedural defects of transfer. So, the main issue of fraudulent denial of the Petitioner’s appeal that falls under provisions of 28 U.S.C. § 1443(1) “Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States or of all persons within the jurisdiction thereof, because she was denied fair credit opportu-

nity under specific provisions of a federal law. Since this decision of the Court signed by the Judge, Anthony J. Scirica, is a gross abuse of judicial discretion with lies, falsifications of facts, and fraudulent claims of applicable law it resulted in denial of access to justice to a national minority woman and *pro se* litigant. Judge's action are, therefore, evidence of corruption of that federal judicial system which was supposed to be fair and just and discrimination against a national minority *pro se* litigant. Petitioner, therefore, is presenting copies of her "Objections" filed in May of this year with all supporting documents presented in Exhibits thereto as well as original of this Petition to the FBI anticorruption unit as supporting documentary evidence (in addition to the evidence of the Petitioner's Writ of Mandamus case provided before) of complete corruption of the Delaware federal, State judicial system as well as appellate process and discrimination in a systematic

**Appendix D, page 14**

pattern of denying Petitioner's constitutional rights for a fair trial and access to justice. Petitioner has to mention also that after that 2012 illegal arrest and illegal incarceration professional attorney who represented her in the subsequent legal battle and ensured "not guilty" verdict (Kevin Howard) was pushed out of legal profession and no longer practices law in Delaware. As he acknowledged to the Petitioner he was under tremendous pressure from the prosecutor in the case to pressurize Petitioner to accept some charges or *nolo contendere* plea which Petitioner flatly refused and produced 47 photos of her injuries (from her forehead to her toes) made by a forensic nurse in Christiana hospital immediately upon her release from prison. After that 2012 illegal arrest and illegal incarceration Petitioner was unable to find attorney who would agree to represent her in any of her cases and she competes as a national minority *pro se* litigant with corrupt Delawa-

Re professional attorneys who are in collusion with  
presiding judges in the US Court system.

Respectfully submitted on this Twenty Fourth Day of  
September, 2019.

For the Appellant, s/Nina Shahin  
NINA SHAHIN, CPA, MAS, MST



**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

Nina Shahin,	)	No. 19-1830
	)	
Petitioner-Appellant	)	
v.	)	Petition for Writ of
	)	Mandamus
SAM'S CLUB EAST., INC.,	)	
AND SYNCHRONY BANK,	)	No. 19-1682
	)	
Appellees,	)	

**APPELLANT'S OBJECTIONS REGARDING  
ADMINISTRATIVE ASSISTANT'S  
DETERMINATION ABOUT JURISDICTION OF  
THIS COURT OVER THIS PARTICULAR CASE**

In *Pro Se* representation by Nina Shahin

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Appellant received communication from the Third Circuit Court of Appeals dated April 26, 2019, that was supposed to be signed by a clerk. Patricia S. Dodszuweit, but actually signed by Maria Williams, Administrative Assistant, which raises a question about the reasons of why the clerk of the Third Circuit Court of Appeals hid under the name of Administrative Assistant in their harassment of the national minority and *pro se* litigant because that communication cannot be characterized in any other terms but a 'Deprivation of Rights under Color of Law' under provisions of Title 18 of the US Code, Part I, 'Crimes' Chapter 13 'Civil Rights,' section 242 which means that the administrative assistant committed a felony. Copy of that "administrative assistant's" communication is presented in **Exhibit A**. Moreover, if in the other case of similar circumstances (i.e., v. Officer Dale Boney, #19-1829) "administrative assistant's" determination was

**Appendix E, page 3**

dated and mailed on April 26, 2019 and the “enclosed” section 28 U.S.C. § 1447(d) was missing, in this case the “determination” dated April 26, 2019 was mailed three days later (i.e., on April 29, 2019 (Monday)) see copy of the envelope in **Exhibit B**), received on May 1, 2019 (Wednesday) and it did have a questionable copy of the cited law enclosed (see copy of that “law” in **Exhibit C**). Actual copy of that references section of the law is provided in **Exhibit D** and copy of the 28 U.S.C. § 1443 is provided in **Exhibit E**. Reference to section 1442 is for some reason omitted in the “administrative assistant’s” presentation of the law. Analysis of the rest of the “administrative assistant’s” communication is provided below:

1. In that Court’s communication under the title ‘Jurisdictional Defect’ it is written the following:

“The order that you have appealed is an order remanding a case to a state court. Under 28 U.S.C. Section 1447(d)(enclosed), an order remanding a case to the state court from which it was removed is not review-

**Appendix E, page 4**

wable on appeal or otherwise.”

Actual copy of the section 1447 of Title 28 U.S.C. (presented in **Exhibit D**) application of which was misrepresented by the “administrative assistant” says the following:

“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.”

**28 U.S.C. § 1443 ‘Civil Rights Cases’ (Exhibit E)**

stipulates the following:

“Any of the following civil actions or criminal prosecutions, commences in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.”

2. Taking into consideration that the section gives right of removal to a “defendant” and any plaintiff has that right *a priori*, this case has been transferred to the US District Court after the initiation process in the Court of Common Pleas of Kent county (State court) under provisions of Fair Credit Opportunity Act, 15 U.S.C. §1691(a) (FCOA or Regulation B, 12 C.F.R. § 1002) see copy of the first and second pages of the Plaintiff’s ‘Pretrial Conference Worksheet and Stipulation,’ document filed in the Court of Common Pleas on March 10, 2017 and a copy is presented in **Exhibit F**. From that point the Judge was supposed to indicate that she had no jurisdiction over the case because of the application of the federal law and had no legal right to dismiss the case because provisions of 10 *Del.C.* §1902 specifically mandate that “No civil action, suit or other proceeding brought in any court of this State shall be dismissed solely on the ground that such court is with-

out jurisdiction on the subject matter; either in the original proceedings or on appeal.” Moreover, Judge of the Delaware District Court had no any legal basis for remanding the case back to the State Court that had no jurisdiction because of the federal civil right of the Plaintiff that had been violated. Therefore, because Plaintiff’s civil right under the federal statute had violated provisions of 28 U.S.C. § 1443 are specifically applicable to the Appellant’s case but completely ignored by the Court’s communication signed by the Administrative Assistant who thus committed felony under 18 U.S.C. § 242.

### **CONCLUSION**

In view of all these facts, Court’s communication of April 26, 2019, mailed three days later and received on May 1, 2019 and which was not even signed by a Court’s clerk (let alone any judge) is nothing short of intentional harassment, intimidation, deprivation of civil and con-

stitutional rights and felony under provisions of 18 U.S.C. § 242. Appellant, therefore, demand these 'Objections' to be included to her Petition for Writ if Mandamus as supporting evidence that the Appellant's Petition has also been mishandled by this Court in violation of provisions of 18 U.S.C. § 3771(d)(3) THAT PROVIDES NOT MORE THAN 5 DAYS TO ENFORCE PROVISIONS OF THAT SECTION AND WHOSE DECISION OF May 2, 2019 was nothing short of fraud, falsifications, collusion and cover up and will be petitioned for re-argument and reported to the FBI as an act of racketeering. Instead, the Court additionally deprived the Appellant of her civil rights under color of law thus committing a felony. Appellant's appeal has to go through a formal process of submitting briefs and having the Appellant Court to Consider the underlying material acts and the standards of applicable and controlling law including respect for her constitutional

**Appendix E, page 8**



rights of due process and equal protection!

These 'Objections: were respectfully submitted on this  
Eleventh Day of May, 2019.

For the Appellant, s/Nina Shahin  
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(302) 526-2152

UNITED STATES COURT OF APPEALS FOR THE  
THIRD CIRCUIT

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No. 19-1682

---

IN RE: NINA SHAHIN, Petitioner

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On a Petition for Writ of Mandamus from the United  
States District Court for the District of Delaware  
(Related to Civ. Nos. 1-17-cv-00413 & 1-17-cv-01223)

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Submitted Pursuant to Rule 21, Fed. R. App. P.  
April 11, 2019  
Before: CHAGARES, RESTREPO and SCHIRICA,  
Circuit Judges

(Opinion filed: May 2, 2019)

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OPINION\*

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PER CURIAM

PRO SE PETITIONER Nina Shahin has filed a petition

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\* This disposition is not an opinion of the full Court and  
pursuant to I.O.P. 5.7 does not constitute binding  
precedent.

**Appendix F, page 1**

for a writ of mandamus, seeking relief under the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. For the reasons set forth below, we will deny the petition.

Shahin's petition is "closely related to two civil cases."

Pet. At 5. In the first case, she alleged that Sam's Club and Synchrony Bank engaged in "intentional and illegal harassment.. in response to [her] dissatisfaction with her failure to purchase a desired and advertised item."

D.Del.C. A. No. 17-cv-1223, ECF No. 7 at 24. In the second case, Shahin alleges that a police officer had filed a fabricated accident report against her, which cause her insurance company to deny her claim for reimbursement. D.Del. Civ. A. No. 17-cv-0413, ECF No. 13-2 at 2. She originally filed both actions in the Delaware Court of Common Pleas, and then sought to remove the actions to the United States District Court for the District of Delaware. In separate orders, the District Court remanded the matters to the Court of

Common Pleas, explaining, among other things, that there was no judicial jurisdiction, that removal was untimely, and there was nothing to remove because both actions had been fully adjudicated in the Court of Common Pleas.” Civ. A. No. 17-cv-1223, ECF No. 10 at 5; Civ. A. 17-cv-0413, ECF No. 20 at 5.

Now, Shahin has filed a petition for writ of mandamus. She argues that she is entitled to relief under CVRA. More specifically, she contends that there has been “a pattern of judicial harassment, intimidation, deprivations of constitutional rights to a fair trial and ‘due process’ and ‘equal protection’ in the Delaware judicial system (state and federal),” which has resulted in her being “victimized the second time in the judicial process.” Pet. At 5.

Shahin has not been denial any rights under CVRA that could form the basis for mandamus relief in this Court. The CVRA guarantees to the victim of federal crimes a

variety of rights, including the right to notice of a court proceeding involving the crime, the right to be present at any such public court proceeding, the right to be reasonably heard at such a proceeding, and the right to receive “full and timely restitution as provided in law.” 18 U.S.C. § 3771(a). A crime victim can assert these rights in the District Court, and if the District Court denies relief, can file a petition for a writ of mandamus in a Court of Appeals. § 3771(d)(3).

However, in this case, Shahin is seeking only to advance her civil actions. “The rights codified by the CVRA...are limited to the criminal justice process; the Act is therefore silent and unconcerned with victims’ rights to file civil claims against their assailants. United States v. Moussaoui, 483 F.3d 220, 234-35 (4<sup>th</sup> Cir. 2007); see also In re Siler, 571 F.3d 604, 610 (6<sup>th</sup> Cir. 2009). As the CVRA provides, “[n]othing in this chapter shall be construed to authorize a cause of action for damages or

to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages.” § 3771(d)(6). Accordingly, Shahin has failed to demonstrate a right to relief under CVRA.<sup>1</sup>

We will therefore deny the mandamus petition.

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<sup>1</sup> Shahin does not challenge the District Court’s remand orders, and we therefore do not consider whether we would have jurisdiction over such a challenge. See generally In re Fed.-Mogul Glob., Inc., 300 F.3d 368, 388 (3d Cir. 2002)

CLD-159

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 19-1682

---

IN RE: NINA SHAHIN, Petitioner

---

On a Petition for Writ of Mandamus from the United  
States District Court for the District of Delaware  
(Related to Civ. Nos. 1-17-00413 & 1-17-cv-01223)

---

Submitted Pursuant to Rule 21, Fed. R. App. P.  
April 11, 2019  
Before: CHAGARES, RESTREPO and SCHIRICA,  
Circuit Judges

---

**JUDGMENT**

---

This cause came to be considered on a petition for writ of mandamus submitted on April 11, 2019. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the petition for writ of mandamus be, and the same is, denied. All of the above in accordance with the opinion of the Court.

ATTEST:

s/Patricia D. Dodszuweit

DATED: May 2, 2019

**Appendix F, page 6**

IN THE SUPREME COURT OF THE STATE OF  
DELAWARE

NINA SHAHIN,	§	No. 448, 2018
	§	
Appellant Below,	§	
Appellant,	§	Court Below – Superior
	§	Court of the State of
	§	Delaware
v.	§	
	§	C.A. No. K18A-01-001
SAM'S EAST, INC. and	§	
SYNCHRONY BANK,	§	
	§	
Appellees Below,	§	
Appellees.	§	
	§	
		Submitted: April 26, 2019
		Decided: May 2, 2019

Before **STRINE**, Chief Justice, **VALIHURA** and  
**VAUGHN**, Justices.

**ORDER**

After consideration of the affidavits filed by the appellees at the direction of the Court and the amended motion for reargument filed by the appellant, the Court concludes that the attorneys' fees and expenses incurred by the appellees are reasonable and that the motion for

**Appendix G, page 1**



reargument is without merit.

On April 4, 2019, the Court affirmed the judgment of the Superior Court, concluded that the appellant's appeal was frivolous, and determined that the appellees be awarded the reasonable attorneys' fees and expenses they incurred in litigating this appeal.<sup>1</sup> The Court ordered the appellees to file affidavits showing these fees and expenses by April 17, 2019.<sup>2</sup> Each appellee's law firm filed the required affidavit on April 17, 2019. The affidavits showed that Synchrony Bank incurred \$ 1,189.00 in fees and expenses and Sam's East, Inc. incurred \$ 4,929.00 in fees and expenses. These fees and expenses are very reasonable for the defense of an appeal in this Court and reflect that the appellees handled this appeal as economically

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<sup>1</sup> *Shahin v. Sam's East, Inc.*, 2019 WL 1504050 (Del. Apr.4, 2019).

<sup>2</sup> *Id.*

as possible by filing a joint answering brief. The Appellant is ordered to pay \$ 1,189.00 to Synchrony Bank and to pay\$ 4,929.00 to Sam's East., Inc.

As to the motion for reargument, which we have considered even though it is untimely,<sup>3</sup> the appellant rehashes the argument in her briefs and refers to matters outside the scope of this appeal. She has not shown a basis for reargument.

NOW, THEREFORE, IT IS ORDERED that the appellant is ordered to pay \$ 1,189.00 to Synchrony Bank and to pay \$ 4,929.00 to Sam's East, Inc., The appellant's motion for reargument is DENIED. The mandate shall issue forthwith.

BY THE COURT:

/s/ Leo E. Strine, Jr.  
Chief Justice

---

<sup>3</sup> The appellant filed a timely motion for reargument on April 18, 2019, but the 15-page motion was stricken because it exceed the 4-page limit. Supr. Ct. R. 30(c). The appellant filed an amended motion on April 26, 2019.

**IN THE SUPRME COURT OF THE STATE OF  
DELAWARE**

NINA SHAHIN,

v.

SAM'S EAST., INC. and  
SYNCHRONY BANK,

§ No. 448, 2018

§

§ Court Below: Superior

§ Court of the State of

§ Delaware

§

§ C.A. No. K18-01-001

§

The following docket entry has been efiled in the above  
cause.

May 2, 2019

Mandate to Clerk of  
Court below.

**Case Closed.**

cc: The Honorable Noel Primos  
Ms. Nina Shahin  
Jeffrey Moyer, Esquire  
Benjamin Chapple, Esquire  
Nicole Pedi, Esquire

Prothonotay  
Received Above

By \_\_\_\_\_

Date \_\_\_\_\_

Date: May 2, 2019

/s/ Lisa A. Dolph  
Clerk of Supreme Court

***M A N D A T E***

**IN THE SUPREME COURT OF THE STATE OF  
DELAWARE**

**TO:** Superior Court of the State of Delaware:

***GREETINGS:***

**WHEREAS,** in the case of:

***Nina Shahin,***

***v.***

***Sam's Club East & Synchrony Bank***

**C.A. No. K18A-01-001**

Certain judgment or order was entered on the July 31, 2018 to which reference is hereby made; and **WHEREAS,** by appropriate proceedings the judgment or order was duly appealed to this Court, and after consideration has been finally determined, as appears from the Orders dated April 4, 2019, and May 2, 2019, certified copies of which are attached hereto;

**ON CONSIDERATION WHEREOF IT IS  
ORDERED AND ADJUDGED** that the order or judg-

ment be and hereby **AFFIRMED**.

/s/Lisa A. Dolph  
Clerk of the Supreme Court

Issues: May 2, 2019

Supreme Court No. 448, 2018

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS FOR THE  
THIRD CIRCUIT

Patricia S. Dodszuweit  
Clerk

TELEPHONE  
215-597-2995

April 26, 2019

Nina Shahin 103  
Shinnecock Rd.  
Dover, DE 19904

Benjamin P. Chapple, Esq.  
Reed Smith  
1201 Market Street, Suite 1500  
Wilmington, DE 19801

RE: Nina Shahin v. Dover Sam's Club, et al  
Case Number: 19-1830  
District Court Case Number: 1-17-cv-01223

To All Parties:

This will advise you that the above-captioned appeal will be submitted to a panel of this Court for possible dismissal due to a jurisdictional defect. The Court also will consider possible summary action pursuant to Chapter 10.6 of the Internal Operation Procedures of the United States Court of Appeals for the Third Circuit. See Third Circuit Local Appellate Rule 27.4.

**Jurisdictional Defect**

It appears that this Court may lack appellate jurisdiction for the following reasons:

**Appendix H, page 1**

The order that you have appealed is an order remanding a case to a state court. Under 28 U.S.C. Section 1447(d)(enclosed), an order remanding a case to the state court from which it was removed is not reviewable on appeal or otherwise.

### **Summary Action**

Chapter 10.6 provides that the court sua ponte (by its own action) may take summary action on an appeal if it appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Specifically Court may affirm, reverse, vacate, modify, or remand the judgment or order appealed.

Issuance of the briefing schedule will be stayed pending action by the Court. All other filing requirements must be completed (i.e., payment of fees, entry of appearance, corporate disclosure statement, civil appeal information).

### **Responses**

Jurisdictional defects cannot be remedied by the Court of Appeals. The parties may submit written argument regarding jurisdiction, or in support of or opposition to summary action. Any response must be received in the Clerk's Office within twenty-one (21) days from the date of this letter. Please submit to the Clerk an original copy of any response, and a certificate of service indicating that all parties have been served with a copy of the response. Upon expiration of the response period, the case will be submitted to the Court for consideration of the jurisdictional question and for possible summary action.

The parties will be advised of any order issued in this matter.

Very truly yours,  
Patricia S. Dodszuweit, Clerk

By: *Jo-Ann Williams, Administrative Supervisor*  
Enclosures



**IN THE SUPREME COURT OF THE STATE OF  
DELAWARE**

<b>NINA SHAHIN,</b>	)	<b>No. 448, 2018</b>
	)	
<b>Appellant,</b>	)	
	)	
<b>SAM'S EAST, INC. and</b>	)	<b>Petition for Writ of</b>
<b>SYNCHRONY BANK,</b>	)	<b>Mandamus</b>
	)	<b>No. 19-1682</b>
<b>Appellees.</b>	)	

**APPELLANT'S AMENDED MOTION FOR  
RECONSIDERATION**

Of the Court's Decision Signed by Chief Justice, Leo E.  
Strine, Dated April 4, 2019 under Provisions of Rule 18,  
of the Delaware Supreme Court Rules of Civil Procedure

Plaintiff-Appellant represents herself in *pro se*  
representation

NINA SHAHIN, CPA, MAS, MST  
103 Shinnecock Rd.  
Dover, DE 19904  
(302) 526-2152

Attorneys representing the Defendants:  
**Sam's Club East - Jeffrey L. Moyer and Nicole K.  
Pedi**  
**RICHARDS, LAYTON & FINGER**  
One Rodney Square  
920 North King St.,  
Wilmington, DE 19801  
(302) 651-7700

**Synchrony Bank – Benjamin P. Chapple**  
**REED SMITH LLP**  
1201 N. Market St., Suite 1500  
Wilmington, DE 19801  
(302) 778-7500

**Submitted on April 26, 2019**

Chief Justice's 'Order' dated April 4, 2019 and mailed four days later was issued after clerk of the Superior Court verbally informed Appellant that her case had been closed for not paying \$100 demanded by the clerk of the Superior Court, Annette Ashley. That verbal notification of closure was made on March 20, 2019 in response to the Appellant's second request for explanations and interpreted as a harassment and refusal of the Supreme Court to address issues raised by the Appellant on her appeal and using that pretext to close her case. Then on March 26, 2019 Appellant filed her Petition for Writ of Mandamus in which she raised the issue of systematic Appellant's harassment in Delaware courts (state and federal), deprivation of her constitutional right to fair trials, impartial judges, respect for standards of process, material facts, standards of law and procedure, actions that considered as clear discrimination based on national origin, class 'A'

**Appendix I, page 3**

misdemeanor and/or racketeering under state and federal laws. On April 2, 2019 Appellant attempted to hand over to the Delaware Senator (Trey C. Paradee) two Petitions written under provisions of Delaware Constitutions (Article I 'Bill of Rights,' §16 and Article VI 'Impeachment and Treason,' § 1 and § 2. Senator refused to accept those Petitions under pretext that all those people against whom Appellant wrote her Petitions were Senator's "childhood friends." This is how constitutional rights of ordinary citizens and especially minorities are respected and honored in the State of Delaware. Petition for Impeachment was written against three Delaware Judges including Chief Justice, Leo E. Strine. In such circumstances Chief Justice's decision in this particular "closed" case is nothing short of retaliation, disregards for or falsifications of the underlying material facts, and the standards of the applicable and controlling law. Below is

**Appendix I, page 4**

the rebuttal of the Judge's conclusions in the same numerical order: (1) Judge's wording of "appellant's vexatious and frivolous conduct" could be interpreted as related to the Superior Court Clerk's harassment because there is no any possible interpretation of the circumstances and the Chief Justice provided none; (2) In that paragraph Judge described the underlying facts in sarcastic, insulting and denigrating interpretation accompanied with outright lies: Appellant did buy a "\$9.98 item" which was brought to her from a back room. It was Synchrony Bank that effectively cancelled her membership by fraudulently denying access to her credit card which was also a membership card; (3) Here Chief Justice omitted the most important fact that Complaint was filed under provisions of the Fair Credit Opportunity Act, 15 U.S.C. § 1691 (FCOA or Regulation B, 12 C.F.R. § 1002) because baseless denial of access to credit was an act of discrimination based on national

**Appendix I, page 5**

origin which established a federal court jurisdiction over the case; (4) In that paragraph Judge omitted very important underlying facts that professional attorneys submitted to the court perjuries committed by employees of the Defendants: Laurinda Rainey from Sam's Club and Martha Koehler from Synchrony Bank; (5) The most important thing missing in that paragraph is the fact that since Appellant's claim was filed under provisions of federal law Court of Common Pleas lacked jurisdiction over the case and the attorneys failed even to mentioned that fact in their Motion for Summary Judgment, although they were obligated to do so under Delaware rules of lawyers professional conduct; (6) Here Judge failed to indicate that 10 *Del.C.* § 1902 that specifically stipulates that **"No civil action, suit or other proceedings brought in any court of this State shall be dismissed solely on the ground that such court is without jurisdiction of the subject**

matter, either in the original proceedings or in appeal;" (7) Every DE State Court always denied access to tapes of recording under different pretexts; (8) Here again intentional omission of provisions of 10 *Del.C.* § 1902 by Chief Justice; (9) Here Judge intentionally covered up systematic violations of the Appellant's constitutional rights of getting timely notice which is one element of 'due process' standard; (10) Appellant was denied proper process to prove perjuries and the Judge failed to acknowledge that fact; (11) Reference to the standards of service for appeals presented by the Chief Justice is an example of judicial dishonesty, hypocrisy, and gross abuse of judicial discretion as well as class 'A' misdemeanor under provisions of 11 *Del.C.* § 1211(4) and racketeering under 11 *Del.C.* § 1502(9)b.6., because those proclaimed standards were never applied to the Appellant's cases because she is a national minority and *pro se* litigant;

**Appendix I, page 7**

(12) Chief Justice's argument equivalent to § 7 above;

(13) Baseless accusations are "baseless" because Chief Justice classified them so covering up for abuse of judicial discretion, disregard of controlling and applicable law, and falsifications of material underlying facts, all things he did in this particular case and this particular decision: (14) Justice uses word "frivolous" because he is a Chief Justice and feels it is in this power to misrepresent Appellant's cases, by denying Appellant's constitutional rights, be covering up for his own and the professional attorneys' violations of rules of professional conduct. His actions in that decision of April 4, 2019 and actions of professional attorneys (see copies in **Exhibit a & B**) fall under definition of class 'A' misdemeanor under provisions of 11 *Del.C.* § 1211(4) and racketeering under 11 *Del.C.* § 1502(9)b.6., as well as mafia style retaliation under provisions of 18 U.S.C. §1513 'Retaliating against a witness, victim, or an infor-



mant' and is an act of 'racketeering' under provisions of 18 U.S.C. § 1961(1)(B) and 11 *Del.C.* § 1502(9)a. Appellant, therefore, files this Motion as supporting evidence to her Petition for Writ of Mandamus because Chief Justice's retaliatory actions falls under exclusive federal jurisdiction. Respectfully submitted on this Twenty Six Day of April, 2019.

For the Plaintiff-Appellant,

/s/ Nina Shahin  
NINA SHAHIN, CPA, MAS, MST  
103 Shinnecock Rd.  
Dover DE, 19904

*NINA SHAHIN, CPA, MAS, MST*  
*103 SHINNECOCK R., DOVER, DE 19904*  
*Tel. (302)526-2152*  
**E-mail:n.shahin@comcast.net**

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**April 11, 2019**

**Third Circuit Court of Appeals**  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106  
**Attn.: Timothy McIntyre, Case Manager**

**U.S. Dept. of Justice**  
US Attorney's Office, District of Delaware  
1313 N. Market St., Suite 400  
Wilmington, DE 19801

Mr. McIntyre,

**RE: Case # 19-1682**

Yesterday, Wednesday, April 10, 2019 I received 'Order' signed by Chief Justice, Leo Strine, in my case against Sam's Club although the clerk of the Superior Court informed me verbally that the case was closed after I failed to pay demanded \$ 100 and immediately after that the District Court issues its decision of March 12, which I will appeal today. Apparently, in response to my payment of \$ 500 which was formally received on April 8, 2019 which I confirmed on April 9, 2019 (your phone did not respond and I called the general clerk's number to do that) that 'Order' was mailed on April 8, 2019 and received two days later although, as usual, the

**Appendix J, page 1**

date was forged through print of the internal postage machine and has a date of April 4, 2019, the date of the 'Order.'

Since that 'Order' is nothing short of intentional harassment and lack of any actual analysis of the underlying facts or the standards of applicable and controlling law, the 'Order' is a mafia-style retaliation for my Petition for Impeachment against three judges of the Delaware courts including Chief Justice, that I attempted to hand over to my Senator (Trey Paradee) on April 2, 2019 and which he refused to accept although it was my constitutional right to ask him to present it to the General Assembly.

Since that 'Order' is an act of 'racketeering' under 18 U.S.C. § 1513(e) and 18 U.S.C. § 1961(1)(B) and 11 Del.C. § 1211(4) and 11 Del.C. § 1502(9)a & b.6. it should be part of my Petition to Writ of Mandamus. It is not only abuse of a victim, a foreign born woman and *pro se* litigant about also abuse of an elderly person who is 69 years old and will be 70 at the end of this year.

It is also my understanding that "The government must file a response to the petition within twenty four hours of notification by the clerk unless the clerk directs otherwise."

Please provide me with explanations of why you instructed not to respond to my Petition.

Sincerely, s/ Nina Shahin, CPA, MAS, MST

**Attachment:** Copy of the DE Supreme Court's Order dated 04/04/2019 with a copy of the envelope.

**Appendix J, page 2**

IN THE SUPREME COURT OF THE STATE OF  
DELAWARE

NINA SHAHIN,	§
	§ No. 448, 2018
Appellant Below,	§
Appellant,	§ Court Below – Superior
	§ of the State of Delaware
v.	§
	§
SAM'S EAST., INC. and	§ C.A. No. K18A-01-001
SYNCHRONY BANK,	§
	§
Appellees Below,	§
Appellees.	§

Submitted: January 25, 2019

Decided: April 4, 2019

Upon consideration of the parties' briefs  
and the record below, it appears to the Court that:

(1) This appeal arises from the Superior Court's  
affirmance of the judgment of the Court of Common  
Pleas. Having carefully reviewed the record, we find no  
error or abuse of the discretion in the superior court's  
decision. Accordingly, we affirm the Superior Court's  
judgment. As a result of the appellant's vexatious con-

duct, we also award the appellees the reasonable expenses, including attorneys' fees, that they incurred in this appeal.

(2) On November 14, 2016, the appellant, Nina Shahin, filed a complaint against the appellees, Sam's East., Inc. ("Sam's Club") and Synchrony Bank in the Court of Common Pleas. She alleged that she was unable to buy a 9.98 Arctic Trunk Organizer advertised by Sam's Club in August 2019 because Sam's Club ran out of the item. She alleged that Synchrony Bank wrongly placed a hold on her Sam's Club Master Card for fraudulent activity two weeks later that led to her cancelling the card. She sought damages of \$ 20,000 for damage to her credit standing, Sam's Club poor service, insult and humiliation.

(3) Sam's Club and Synchrony Bank answered the complaint and asserted affirmative defenses. Shahin filed a variety of documents including objections to the

participation of the defendants' attorneys, a motion for correction of the legal name of one defendant, and objections to Synchrony Bank affirmative defenses. On March 23, 2017, the Court of Common Pleas granted the motion for correction of the legal name and denied the remaining motions. On April 11, 2017, Shahin filed objections to the March 23, order and to the Court of Common Pleas judge presiding over the case.

(4) On April 12, 2017, the defendants informed Shahin that they would move for summary judgment and might seek attorney's fees and costs if she did not voluntarily dismiss her complaint. They provided Shahin with documents showing the Sam's Club advertisement state that only limited quantities were available, Synchrony Bank placed a hold on her Sam's Club Master card for suspicious charges in Colorado (as authorized by the credit card agreement), and Synchrony Bank attempted to notify Shahin of the reason for the hold. In response,

Shahin stated, among other things, that there could no charge in Colorado because she had never been there.

(5) On June 14, 2017, the defendants filed motions for summary judgment. Sam's club argued that it was entitled to summary judgment because it did not breach the membership agreement, the sales notice stated only limited quantities were available, and Shahin did not suffer any injury. Synchrony Bank argued that it was entitled to summary judgment because it did not breach the terms of the parties' agreement, it did not act fraudulently in connection with the Sam's club sale, and did not conspire with Sam's Club. In response, Shahin filed motions for sanctions, alleging that the motions for summary judgment were full of perjury and fraud.

(6) On June 28, 2017, the Court of Common Pleas held a pretrial teleconference. After hearing arguments from the defendants and Shahin, the Court of Common Pleas Granted the motions for summary judgment, denied

Shahin's motions for sanctions, and denied Shahin's additional objections. After expressing anger at the rulings, Shahin left the teleconference before the court had adjourned. Shahin subsequently filed a motion for reconsideration and motions for sanctions against the defendants' attorneys.

(7) On August 17, 2017, the Court of Common Pleas entered an order denying Shahin's objections to the judge, denying Shahin's motions for sanctions, granting the motions for summary judgment, and denying Shahin's motion for reconsideration. On August 28, 2017, Shahin filed a motion for access to the tape of the June 28, 2017 hearing because she claimed that the transcript contained unspecified inaccuracies that might be racketeering under 18 U.S.C. § 1512(c)(1) and 18 U.S.C. § 1961(1)(B). Shahin also filed a motion to transfer the case to the United States District Court for



the District of Delaware.<sup>1</sup> On October 11, 2017, the Court of Common Pleas denied Shahin's motion for access to the tape of the June 28, 2017 hearing and the motion for transfer. Shahin filed a motion for reconsideration, which the Court of Common Pleas denied on December 19, 2017.

(8) On January 2, 2018, Shahin filed a notice of appeal in the Superior Court. Shahin attached the December 19, 2017 order to her notice of appeal. She identified the falsifications of the June 28, 2017 transcript and the denial of access to the tape recording of the hearing as the ground for her appeal.

(9) After briefing, the Superior Court held that the Court of Common Pleas did not err in denying Shahin's motion for reconsideration of the order denying her mo-

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<sup>1</sup> The District Court found no basis for removal and remanded to the Court of Common Pleas. *Shahin v. Dover Sam's Club East, Inc.*, 2018 WL 3866677, at \*2 (D.Del. Aug. 14, 2018).

tion for access to the tape recording because Shahin merely rehashed earlier accusation of racketeering and misconduct. This appeal followed. On November 29, 2018, Shahin filed a motion demanding evidence that the appellees' counsel mailed her the answering brief as stated in the certificate of service. The appellees' counsel stated that they had mailed the brief to Shahin's address and had not received anything back as undeliverable. This Court denied Shahin's motion, finding there was no basis for requiring further evidence of service.

(10) On appeal, Shahin accuses the appellees and their counsel of fraud and perjury, claims the Court of Common Pleas judge violated her civil rights in a different case involving the Dover Police Department and erred in granting the motion for summary judgment and denying her request for access to the audio recording, and argues that the Superior Court ignored the defendants' perjury

in issuing its decision. The appellees argue that the Superior Court did not err and seek their costs and attorneys' fees in this appeal for Shahin's frivolous conduct.

(11) "In an appeal from the Court of Common Pleas to the Superior Court, the standard of review is whether there is a legal error and whether the factual findings made by the trial judge are sufficiently supported by the record and are the product of an orderly logical deductive process."<sup>2</sup> We apply the same standard in our review of the Superior Court's decision.<sup>3</sup>

(12) Having reviewed the parties' positions on appeal and the record below, we conclude that the Superior Court did not err in affirming the Court of Common Pleas' denial of Shahin's motion for reconsideration of

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<sup>2</sup> *Onkeo v. State*, 2008 WL 3906076, at \*1 (Del. 2008) (citing *Levitt v. Bouvier*, 287 A.2d 671, 673 (Del. 1972)).

<sup>3</sup> *Baker v. Connell*, 488, A.2d 1303, 1309 (Del. 1985).

the denial of her motion for the June 28, 2017 audio recording. The audio recording was the only issue Shahin identified in her appeal to the Superior Court, and the December 19, 2017 order denying her motion for reconsideration was the only document attached to the appeal. Shahin has never identified the alleged errors in the transcript that she claims show racketeering. Instead, she makes conclusory and unsupported claims of perjury, fraud, conspiracy, and discrimination, in the absence of any reason to believe the transcript was inaccurate or insufficient, Shahin did not establish a basis for access to the audio recording.

(13) A motion for reargument under Rule 59(e) will only be granted if the court has overlooked a controlling precedent or legal principles, or misapprehended the law or facts in such a way to change to outcome of the

underlying decision.<sup>4</sup> A motion for reargument should not be used to rehash arguments previously raised.<sup>5</sup> As the Superior Court recognized, Shahin's motion for reconsideration in the Court of Common Pleas simply rehashed her earlier accusation of racketeering and misconduct. This did not establish a basis for reargument. The Superior Court did not err therefore in affirming the Court of Common Pleas' denial of Shahin's motion for reconsideration. The Superior Court also did

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<sup>4</sup> *Maddox v. Isaacs*, 2013 WL 4858989, at \*1 (Del. Sept. 10, 2013) ("The proper purpose of a Rule 59C motion for reargument is to request the trial court to reconsider whether it overlooked an applicable legal precedent or misapprehended the law or the facts in such a way as to affect the outcome of the case.").

<sup>5</sup> *Shultz v. Satchel*, 2019 WL 125677, at \*2 (Del. Jan. 7, 2019).

not err in denying Shahin's motion for reargument of its order affirming the Court of Common Pleas. Shahin's restatement of her baseless accusations of fraud and racketeering was not a basis for reargument.

(14) Under Supreme Court Rule 20(f), this Court may award attorneys' fees and expenses in a frivolous appeal.<sup>6</sup> Shahin had no basis to demand the audio recording of the June 28, 2017 hearing in the Court of Common Pleas. She offered nothing, other than unsupported allegation of perjury and fraud, in her appeal of the Superior Court's decision. Shahin has burdened this Court and others with her numerous and

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<sup>6</sup> Supr. Ct. R. 20(f); *Scion Breckenridge Managing Member, LLC v. ASB Allegiance Real Estate Fund*, 68 A.3d 665, 688 (Del. 2013).

meritless filings.<sup>7</sup> We conclude that this appeal is frivolous and that the appellees should be awarded their reasonable attorneys' fees and expenses. The appellees are directed to file, by April 17, 2019, affidavits showing the reasonable attorneys' fees and expenses they incurred in litigating this appeal for consideration by this Court in determining the amount to be awarded under this order.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED and that the appellant is ordered to pay the costs assessed by this Court. The appellees are directed to file affidavits

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<sup>7</sup> In just the last eight months, Shahin has filed four appeals, including this one, in this Court. *See Shahin v. UPS Store, Inc.*, No. 406, 2018; *Shahin v. Boney*, No. 425, 2018; *Shahin v. Sam's Club East.*, No. 448, 2018; *Shahin v. City of Dover*, No. 51, 2019.

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE**

**Nina Shahin** :  
 :  
 :  
 **Plaintiff,** :  
 : C.A. No. 1:17-cv-01223-LPS  
**Sam's Club, East, Inc.,** :  
**Synchrony Bank,:**  
  
**Defendant :**

**PLAINTIFF MOTION FOR REARGUMENT PER  
LOCAL RULE 7.1.5**

Plaintiff, Nina Shahin, thereby files her Motion for Reargument under provisions of local Rule 7.1.5 of Civil Procedures because of the presiding Judge's falsification of the grounds under which he entered his decision of August 15, 2018. The legal bases for the Court's decision are presented in Part III entitled "Discussions" and consists of four (out of six) points neither of which had a valid legal argument.

**"First, the removal statutes are construed narrowly, and doubts about removal are resolved**

**Appendix L, page 1**



in favor of remand.” (Page 3 of the Memorandum Opinion.” Honorable Judge provided no any legal support for that claim, Judge Gregory M. Sleet of the same court rules in a completely different manner with proper legal citation:

“Under 28 U.S.C. § 1404(a), a district court has “broad discretion to determine, on an individualized, case-by-case basis, whether the convenience and fairness consideration weigh in favor of transfer.” *Junara v. State Farm Ins., Co.*, 55 F.3d 873 #d Cir. 1995. The court engages in a two-step inquiry. It first determines whether the action could have been brought originally in the proposed transferee forum and then asks whether transfer would best serve the convenience of the parties and witnesses as well as the interests of justice. *Smart Audio Techs., LLC v. Apple, Inc.*, No. 12-134-GMS, F.Supp. 2d 718, 2012 WL 5865742, at \*1 (D.Del. Nov. 16, 2012)’ cited as decision of the Honorable Gregory M. Sleet, in *W.R. Berkley Corporation v. Niemela*, slip copy WL 4081871 (2017).

So, it is quite clear that the Judge in this case falsified the standards of the law in this point. Not only he ignored the standards of “broad discretion” but substituted it for “construed narrowly” and by passing the two step determination required under the law.

**Appendix L, page 2**

**Second, removal by a plaintiff is not contemplated by 28 U.S.C. § 1446(a)."** Here again the presiding Judge **misrepresented** the standards of applicable and controlling law. Again, in the same decision quoted above honorable Gregory M. Sleet indicated:

"It is the defendant's responsibility to demonstrate that transfer is appropriate at each step. *Jumara*, 55 F.3d at 879-80, and "unless the balance of convenience of the parties is strongly in favor of defendant, **the plaintiff's choice of forum should prevail.**" (Emphasis by bold, *Italics* and underlying is added by the Plaintiff), *Id.*

**"Third, Shahin filed her petition for transfer, construed as a notice of removal, well beyond the 30 days allowed by § 1446(b). Transfer of this case does not fall under provisions of § 1446(b) but under provisions of § 1443 'Civil Rights' cases (see the point below).**

**"Fourth, the Complaint does not raise federal claims"** which is another falsifications because Complaint was filed under provisions of federal law –

Equal credit Opportunity Act, 15 U.S.C. § 1691 and the respective Regulations (Regulations B) which are civil rights statutes.

In view of all those falsifications that the presiding Judge committed in his Memorandum Opinion and Order Appellant submits this Motion for Reargument under Rule 7.1.5 of the District Court Rules of Civil Procedure.

Respectfully submitted on this Twenty Seventh Day of August, 2018

For the Plaintiff, /s/ Nina Shahin  
NINA SHAHIN, CPA, MAS, MST  
103 Shinnecock Rd.  
Dover, DE 19904  
(302) 526-2152

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NINA SHAHIN	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 17
	: 1223-LPS
DOVER SAM'S CLUB EAST,	:
INC. and SYNCHRONY BANK,	:
	:
Defendants.	:

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**ORDER**

At Wilmington this 13<sup>th</sup> day of August, 2018, for the reasons set forth in the memorandum opinion issued this date;

IT IS HEREBY ORDERED that:

1. All pending motions are DENIED as moot. (D.I. 5,6)
2. The case is REMANDED to the Court of Common Pleas for the State of Delaware and for Kent County. The Clerk of Court is directed to mail a certified copy of the remand Order to the State Court.

**Appendix M, page 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NINA SHAHIN	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 17
	: 1223-LPS
DOVER SAM'S CLUB EAST,	:
INC. and SYNCHRONY BANK,	:
	:
Defendants.	:

---

Nina Shahin, Dover, DE, *Pro Se* Plaintiff.

Benjamin P. Chapple, Esquire, Reed Smith LLP,  
Wilmington, Delaware . Counsel for Defendants.

**MEMORANDUM OPINION**

**STARK, U.S. District Judge:**

Plaintiff Nina Shahin ("Shahin"), who proceeds *pro se*,  
filed a letter she asked to be considered as a formal  
petition for transfer of a case she filed in the Court of  
Common Plea for the State of Delaware in and for Kent  
County, *Shahin v. Dover Sam's Club East.*, C.A. No.

**Appendix M, page 3**

CPU5-16-001075. (D.I. 1) The petition was docketed as a notice of removal. Shahin filed an amended notice on November 13, 2017. (D.I. 7) Shahin has also filed a motion to transfer the case to this Court and a motion for access to the tape of a hearing held on June 28, 2017. (D.I. 5, 6). For the reasons discussed below, the Court will remand the case to the Court of Common Pleas for the State of Delaware in and for Kent County.

### **I. FACTUAL AND PROCEDURAL BACKGROUND**

Shahin commenced this case when she filed a complaint in the court of Common Pleas for the State of Delaware in and for Kent County on November 14, 2016 against the Defendants Dover Sam's Club East, Inc. ("Sam's Club") and Synchrony Bank ("Synchrony").<sup>1</sup> D.I. 7 at Exs. B,C). The Complaint alleges "an intentional and

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<sup>1</sup> On November 13, 2017, Shahin filed some, but not all the documents filed in the State Court action. (D.I. 7)

illegal harassment orchestrated by collusion between the Dover Sam's Club and Synchrony Bank in response to the Plaintiff's dissatisfaction with her failure to purchase a desired and advertised item." (*Id.*) She alleges illegal denial of credit as well as poor service of the Sam's Club that did not match advertised quality of service. (*Id.*) On August 17, 2017 the Court of Common Pleas granted motions for summary judgment filed by both Defendants.<sup>2</sup> (D.I. 1 at Attach. 1; D.I. 7 at Ex. B). The actions against both Defendants were dismissed with prejudice. (D.I. 1 at Attach. 1).

As discussed above, on August 28, 2017, Shahin filed a letter in this Court asking it be considered as a formal petition for transfer of a case. (D.I. 1) It was docketed as A notice of removal. She filed an amended notice of removal on November 13, 2017. (D.I. 7)

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<sup>2</sup> The orders were not provided to the Court.

On September 5, 2017, Shahin filed in the Court of Common Pleas a “demand for transfer of the case to the District Court for the District of Delaware.” (D.I. at Ex. A) The Court of Common Pleas denied the motion on October 11, 2017 on the grounds that “there is no rule in this Court that permits such a transfer of a case.” (*Id.*) Thereafter, on October 17, 2017, Shahin filed a motion for reconsideration in the Court of Common Pleas, which was denied on December 19, 2017. (D.I. 7 at Ex. A; *see also Shahin v. Sam’s Club East, Inc.*, C.A. No. K18A-01-001 NEP at BL-6). On January 2, 2018, Shahin appealed the order to the Superior Court for the State of Delaware in and for Kent County. *See id.* at BL-1.<sup>3</sup>

On November 29, 2017, Defendants advised the Court of their opposition to removal of an action that has been

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<sup>3</sup> The Court takes judicial notice that on June 20, 2018, the Superior Court affirmed the decision of the Court of Common Pleas and then denied Shahin’s motion for reconsideration on July 31, 2018.



Fully adjudicated and was dismissed with prejudice on August 17, 2017. (*Id.*) They further argue that Shahin is a plaintiff and under 28 U.S.C. § 1441, *et seq.*, the right of removal is afforded solely to a defendant. (*Id.*) Defendants' ask the Court to deny Shahin's request to remove. (*Id.*) The Court construes Defendants' letter as a motion to remand. Shahin responded on February 7, 2018, and contends that Defendants' arguments have no legal validity. (D.I. 9)

## **II. LEGAL STANDARDS**

The exercise of removal jurisdiction is governed by 28 U.S.C. § 1441(a), which states that “[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district court of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is

pending.” In Order to remove a civil action from state court to federal court, a district court must have original jurisdiction by either a federal question or diversity of citizenship. 28 U.S.C. § 1331, 1332, 1441(a). Sections 1441(a) and 1443 both provide that the action may be removed by the defendant to the district court of the United States. *Id.* at §§ 1441(a), 1446. The removal statutes are strictly construed, and require remand to State Court if any doubt exists over whether removal was proper. *See Shamrock Oil & Gas Corp. v Sheets*, 313 U.S. 100, 104 (1941).

A court will remand a removed case “if at any time before final judgment it appears that the district court lacks subject matter jurisdiction.” 28 U.S.C. § 1447(c).

The party seeking removal bears the burden to establish federal jurisdiction.” *See Steel Valley Auth. v. Union Switch & Signal Div. A. Standard, Inc.* 809 F.2 1006,

1010 (3d Cir. 1987); *Zoren v. Genesis Energy L.P.*, 195 F. Supp.2d 598, 602 (D. Del. 2002). In determining whether remand based on improper removal is appropriate, the court “must focus on the plaintiff’s complaint at the time the petition for removal was filed,” and assume all factual allegations therein are true. *Steel Valley Auth.*, 809 F.2d at 1010. Upon a determination that a federal court lack subject matter jurisdiction, the District Court is obligation to remand the case to the State court from which it was removed. *See Scott v. New York Admin. For Children’s Services*, 978 F. App’x 56 (3d Cir. Feb. 28, 2017).

### **III. DISCUSSION**

Shahin’s removal fails for a number of reasons. First, the removal statutes are construed narrowly, and doubts about removal are resolved in favor of remand. Second, removal by a plaintiff is not contemplated by 28 U.S.C. § 1446(a). The removal statute speaks only of the

Right of removal of the “defendant” or “defendants.”  
*Cross v. Deberardinis*, 722 F. Supp. 2d 532, 534 (D. Del. 2010). Third, Shahin filed her petition for transfer, construed as a notice of removal, well beyond the 30 days allowed by §1446(b). Fourth, the Complaint does not raise federal claims and, therefore, jurisdiction does not vest pursuant to 28 U.S.C. § 1331. Nor is there diversity jurisdiction under 28 U.S.C. § 1332, given that the prayer relief seeks damages in the amount of \$20,000 plus court costs. In order for diversity jurisdiction to lie, the amount in controversy must be at least \$75,000, exclusive of interest and costs. 28 U.S.C. §1332(a). Fifth, to the extent Shahin contends jurisdiction lies by reason of a federal question, the removal statute provide that that “all defendants” who have been properly joined and served must join in or consent to the removal of the action. *See e.g., Auld v. Auld*, 553 F. App’x 807 (10<sup>th</sup> Cir. Jan 29, 2014) (removal

defective where removing party clearly “lacked an objectively reasonable basis for seeking removal”; *Anderson v. Toomey, L.P.*, 2008 WL 4838139, at \*3 (D. Utah Nov. 4, 2008)(only defendant may remove to federal court). Neither defendant joined in or consented to the remove. Sixth, there is nothing left to remove in light of the fact that the all claims were fully adjudicated by the Court of Common Pleas. *See* 28 U.S.C. § 1446(a) (notice of removal can be filed only in district and division where action in state court is pending); *see also Anderson*, 2008 WL 4838139, at \*3 (final judgment may only be appealed, not removed to federal court). This Court does not have jurisdiction and, therefore, the Court of Common Pleas case is not properly before this Court.

#### **IV. CONCLUSION**

For the above reasons, the Court will remand the case to the Court of Common Pleas for the State of Delaware in

IN THE SUPERIOR COURT OF THE STATE OF  
DELAWARE

NINA SHAHIN, :  
: :  
Appellant, : C.A. No. K18A-01-001 NEP  
: In and for Kent County  
: :  
v. :  
: :  
SAM'C CLUB EAST & :  
SYNCHRONY BANK, :  
: :  
Respondents:

**ORDER**

Submitted: April 3, 2018

Decided : June 20, 2018

Plaintiff-Below/Appellant Nina Shahin (hereinafter "Ms. Shahin"), appeals from an order of the Court of Common Pleas (hereinafter "CCP"). In that order, the CCP denied Ms. Shahin's motion for reconsideration (hereinafter the "Motion for Reconsideration"). This Court finds no merit to Ms. Shahin's appeal and affirms the CCP's order. The Court shall briefly recount the

**Appendix N, page 1**

facts and procedural history of this matter as reflected by the record:

In August of 2014, Ms. Shahin opened a Sam's Club-branded credit card account (hereinafter the "Account") with Synchrony Bank. On August 6, 2016, Ms. Shahin went to a Sam's Club store to purchase an Arctic Zone Oversized Trunk Organizer with Removable Cooler (hereinafter the "Trunk Organizer), which was advertized as being on sale for \$9.98, "[l]imited quantities available on all items." Upon arriving, Ms. Shahin was unable to purchase as many Trunk Organizers as she intended, apparently because the store's stock of Trunk Organizers was limited. Ms. Shahin consequently sued Sam's Club East., Inc. (hereinafter Sam's Club").

Several days later, on August 18, 2016, several attempts were made to place charges on the Account from a Domino Pizza in Fruita, Colorado (hereinafter "Attempt-

ed Charges”). Determining that the Attempted Charges indicated sufficient risk of fraud or identity theft, Synchrony Bank placed a temporary fraud restriction on the Account on August 19, 2016, so as to prevent further charges. In response to the imposed restriction, Ms. Shahin directed Synchrony Bank to close the Account, which was done pursuant to the request. Ms. Shahin sued Synchrony Bank for having placed the fraud restriction on her account.

On June 28, 2017, the CCP held a pre-trial conference by telephone, during which the CCP orally granted summary judgment to Synchrony Bank and Sam’s Club. Ms. Shahin later filed a motion for access to an audio recording of the teleconference held on June 28, 2017, (hereinafter “Motion for Audio Recording”). In an order dated October 11, 2017, the CCP denied the Motion for Audio Recording, explaining that “[t]here is no rule in this Court that requires access to a party of an audio



record on a case that is no longer pending.”

On October 17, 2017, Ms. Shahin filed her Motion for Reconsideration of the October 11, 2017 order denying her access to the Audio Recording.<sup>1</sup> In the Motion for Reconsideration, Ms. Shahin accused the CCP of falsifying the transcript of the teleconference, racketeering, and official misconduct, arguing that the “falsification of transcript is considered as an act of racketeering.”

The CCP denied the Motion for Reconsideration on December 19, 2017. The CCP explained that Ms. Shahin failed to set forth “any factual or legal mistakes

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<sup>1</sup> The October 11, 2017 order also denied Ms. Shahin’s motion to transfer, and Ms. Shahin’s Motion for Reconsideration requested reconsideration of denial of the motion to transfer. However, Ms. Shahin has represented to the Court that this appeal is only of the CCP’s denial of her Motion for Reconsideration of her earlier Motion for Audio Recording – not the motion to transfer. In addition, Ms. Shahin does not address the Court’s denial of reconsideration regarding the motion to transfer in her opening brief, and thus the issue would be waived in any event.

made by this Court in its decision,” thus falling short of the requirements of Court of Common Pleas Civil Rule 59e). Ms. Shahin now appeals that order to this Court. Therefore, this Court’s review on appeal is limited to determining “whether the trial court improperly failed to reconsider its decision and correct any legal or factual errors.”<sup>2</sup>

On appeal, the appellant has an obligation to “marshal the relevant facts and establish reversible error by demonstrating why the action at trial was contrary to either controlling precedent or persuasive decisional authority from other jurisdictions.”<sup>3</sup> Further, “failure to cite any authority in support of a legal argument constitutes a waiver of the issue on appeal.”<sup>4</sup>

Despite the narrow scope of this appeal– which concerns

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<sup>2</sup> *Kostic-Lahlou v. Kostic*, 913 A2d 570 (Table) 2006 WL 3461437 at \*1 (Del. 2006) (citing *Bowen v. E.I. DuPont de Nemours & Co.*, 879 A.2 920, 921 (Del. 2005).

<sup>3</sup> *Flamer v. State*, 953 A2. 130, 134 (Del. 2008).

<sup>4</sup> *Id.*

Only the CCP's denial of Ms. Shahin's Motion for Reconsideration – Ms. Shahin's Opening brief recounts a lengthy and unsubstantiated history of her alleged systematic harassment by Dover Police Department, which is not a party to this action. The opening brief also alleges that the CCP judge who presided over this matter was biased, dishonest, and professionally unqualified. All these factual allegations are improper because they are beyond the scope of the issue appealed, beyond the scope of the record.<sup>5</sup> and in any case may not be validated or rejected by a reviewing court, which is not to “make own factual findings.”<sup>6</sup>Rule 59(e), which controls motions for reconsideration or reargument, was never cited by Ms. Shahin in her opening brief. Nor did Ms. Shahin offer any authority interpreting Rule 59(e), or any legal argument to persuade this Court that the

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<sup>5</sup> Appeals in civil cases from the Court of Common Pleas to this Court are on the record. 10 *Del.C.* § 1326(c).

<sup>6</sup> *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965).

Motion for Reconsideration was incorrectly decided. The Court finds that Ms. Shahin's failure to marshal any relevant authority or argument in her opening brief independently warrants dismissal of her appeal.<sup>7</sup>

However, in the interests of justice, the Court shall additionally consider whether the Motion for Reconsideration was properly denied. A motion for reconsideration filed pursuant to Court of Common Pleas Civil Rule 59(e) will only be granted if "the Court has overlooked a controlling precedent or legal principles, or the Court has misapprehended the law or facts such as would have changed the outcome of the underlying decision."<sup>8</sup> Motions for reargument should not be used to rehash arguments already decided by the

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<sup>7</sup> *Flamer*, 953 A.2 at 134-35.

<sup>8</sup> The cases cited by the Court hereafter are interpreting Superior Court Civil Rule 59(e); however, the language of the rules is identical, and the Court finds no reason to interpret the rules differently. *Kennedy v. Invacare, Inc.*, 2006 WL 488590, at \*1 (Del. Super. Jan. 31, 2006) (citing *Bd. of Managers of the Del. Criminal Justice Info. v. Gannet Co.*, 2003 WL 5551233, at \* 1 (del. Super. Oct. 16, 2012)).

Court, or to present new arguments that were not previously raised.<sup>9</sup> Using a motion for reargument for either of these improper purposes “frustrate[s] the efficient use of judicial resources, place[s] the opposing party in an unfair position, and stymie[s] the order process of reaching closure on the issues.”<sup>10</sup> In order for the motion to be granted, the movant must “demonstrate newly discovered evidence, a change in the law, or manifest of injustice.”<sup>11</sup> Delaware law places a heavy burden on a [party] seeking relief pursuant to Rule 59(e).<sup>12</sup>

Upon review of Ms. Shahin’s Motion for Reconsideration, the Court finds that Ms. Shahin mere-

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<sup>9</sup> *Tilgham v. Del. State Univ.*, 2012 WL 5551233, at 1 (Del. Super. Oct. 16, 2012).

<sup>10</sup> *Id.* (citing *Plummer v. Sherman*, 2004 WL 63414, at \*2 (Del. Super. Jan. 14, 2004)).

<sup>11</sup> *Brenner v. Village Green, Inc.*, 2000 WL 972649, at \*1 (Del. Super. May 23, 2000) (citing *E.I. DuPont de Nemours Co. v. Admiral Ins. Co.*, 711 A.2 45, 55 (Del. Super. 1995)).

<sup>12</sup> *Newborn v. Christiana Psychiatric Serv., P.A.*, 2017 WL 394096 at \*2 (Del. Super. Jan. 25, 2017).

ly rehashed her earlier accusation of racketeering and misconduct and failed to carry heavy burden by demonstrating newly discovered evidence, a change in the law, or manifest injustice. Therefore, the CCP did not failed to correct any legal or factual errors, and the Motion for Reconsideration was properly denied.

**WHEREFORE**, for the foregoing reasons, the CCP's decision denying reconsideration pursuant to Court of Common Pleas Civil Rule 59(e) is **AFFIRMED**.

**IT IS SO ORDERED.**

/s/Noel Easton Primos

Noel Easton Primos, Judge

NEP/wjs

*Via File & ServeXpress and U.S. Mail*

oc: Prothonotary

xc: Nina Shahin

Benjamin P. Chapple, Esquire

Jeffrey L. Moyer, Esquire

Nicole K. Pedi, Esquire

IN THE COURT OF COMMON PLEAS OF THE STATE  
OF DELAWARE IN AND FOR KENT COUNTY

NINA SHAHIN,                    )  
Plaintiff,                        )  
                                      Vs.                    )  
SAM'S EAST., INC. AND)  
SYNCHRONY BANK,            )  
Defendants.                        )

Civil Action No.

CPU5-16-001075

COPY (stamped)

BEFORE: THE HONORABLE JUDGE ANNE  
HARTNETT REIGLE

APPEARANCES:

NINA SHAHIN,  
Pro Se.

SELENA E. MOLINA, Esquire  
On Behalf of the Defendant,  
Sam's East, Inc.

BENJAMIN P. CHAPPLE, Esquire  
On behalf of the Defendant,  
Synchrony Bank

TRANSCRIPT OF CIVIL MOTION HEARING  
JUNE 28, 2017  
AMBER L. DURR  
ECR II

**Appendix O, page 1**

INDEX

<u>WITNESSES</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>	<u>Further Redirect</u>
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EXHIBITS:

Marked Received

State's

(none)

Defendant's

(none)



## PROCEEDINGS

(Present: as noted)

THE CLERK: We are ready, Your Honor

THE COURT: Hi, it's Judge Reigle, can you hear me?

MS. MOLINA: Yes, Your Honor.

THE COURT: Okay.

MR. CHAPPLE: Yes, Your Honor; this is Ben Chapple.

THE COURT: Okay, so Mr. Chapple and Ms Molina, am I saying it right?

MS. MOLINA: Yes, Selena Molina here.

THE COURT: Okay, good morning and then Ms. Shahin?

MS. SHAHIN: Yes, Nina Shahin.

THE COURT: Okay, good morning. Okay, we have a number of items on the calendar under the case heading Nina Shahin versus Sam's East., Inc. and Synchrony Bank. I was just going kind of through things in order by date. And the first item that I have is the filing by Ms. Shahin; it was filed April 11, 2017 and it's titled "Plaintiff's Strong Objections to the Judge, Ho-

**Appendix O, page 3**

norable Anne Hartnett Reigle, presiding over this Case and Her Order Issued on March 23, 2017. “ And then, while there wasn’t an actual response filed by the defendants, they both – both attorneys representing the defendants addressed that document in their Motions for Summary Judgment stating that they opposed the Order.

So, I have read through it; did you want to speak to that Ms. Shahin before I ruled on it?

MS. SHAHIN: About what?

THE COURT: Did you want to make any other statements regarding that document?

MS. SHAHIN: Yes, I have not received any response from the judge because she referred me – she said that I could have filed appeal to Supreme Court of the – Delaware which according to the Delaware Constitution, I could not. And I pointed that discrepancy to her so far I have not received a response from the judge. And this just points out that she is either incompetent or malicious and she hardly can be impartial in my case.

THE COURT: Okay, well there’s not really a rule regarding such objections in the Court of Common Pleas Rules and it looks like it’s past the motion to re-argue

Deadline so I'm going to deny that – the objections – it doesn't really need any action but I'm not going to – it's either denied or no action is taken.

Okay, so the next item I have is a letter – well I have a document filed May 10, 2017 by Ms. Shahin and that is entitled, "Plaintiff's response to the Mr. Chapple Letter of April 12, 2017." We were initially confused by the filing but then when I went through the Motion for Summary Judgment filed by defense counsel, I see that this was a letter – it looked like a joint letter filed by Ms. Molina and Mr. Chapple that was sent to Ms. Shahin. Is that your understanding as well, Mr. Chapple?

MR. CHAPPLE: Yes, Your Honor.

THE COURT: And Ms. Molina?

MS. MOLINA: Yes, Your Honor.

THE COURT: So, it looks like it was a letter discouraging her from proceeding forward in the case because of your intended Motions for Summary Judgment; is that a correct characterization of the letter, Mr. Chapple?

MR. CHAPPLE: Yes, Your Honor.

THE COURT: And Ms. Molina; Ms. Molina, you as well?

MS. MOLINA: Yes, Your Honor.

THE COURT: So, Ms. Shahin, I have a letter; I mean, it's really just a response to that you indicated that you intended to proceed with you case and not voluntarily dismiss your case. Is that essentially what the response was from you to the Court?

MS. SHAHIN: Yeah, more or less, I took that particular letter as a pure corruptment and intimidation by threatening me or seeking attorneys' fees and all that sort of things, which I can say that this is completely illegal. It was like intimidation of a victim so, yeah, that's – especially if the bunch of the documents which they attached, they didn't reference. They were not numbered, they were not described and it was a mess.

THE COURT: Okay, doesn't look like the Court needs to take any action, I was just clarifying what the filing was.

All right, the next item that I have, in order, looks like the Synchrony Bank filing of the Motion for Summary Judgment. It was filed on June 14, 2017 and – let's see, all right, okay – so that was filed by Mr. Chapple. I have read through the Motion, Mr. Chapple. Did you want to address it or briefly or did you want to stand on your written filings?

MR. CHAPPLE: Your Honor, it's very straightforward.

THE COURT: Okay, go ahead.

MR. CHAPPLE: I – briefly, all I would say is that all of the plaintiff's claims fail because Synchrony's actions were entirely in accordance with the clear and unambiguous language of the account agreement which allows Synchrony to decline charges if it suspects fraudulent activity. And actually, the account agreement can be read to allow Synchrony, my client, to deny charges for any reason. And plaintiff has put forth no evidence indicating that the charges are not, in fact, fraudulent and so everything that Synchrony did was for the bank's protection as well as Ms. Shahin's protection. So, otherwise, unless Your Honor has any questions, Synchrony would rest on its papers.

THE COURT: Okay, thank you. Ms. Shahin, did you want to – you didn't file a written response – did you want to make any sort of statement in response to that Motion for Summary Judgment?

MS. SHAHIN: Yeah, the summary judgment is full of perjury and written false statement. And I will file motion for sanctions against the attorney; I gave him twenty one dollar – twenty day notice and a due date, I

racketeering against attorneys because nothing in the will file a motion for sanctions, based on, practically a motion for sanctions was supported by a really – documental trail of any fraudulent activities.

Their claim of the charges for allegedly using my credit card in Colorado – Fruita, Colorado for ordering pizza, it's pure falsification. I have never, ever received anything in writing or verbally from Synchrony Bank about those transactions at all: nothing.

And they can prove nothing expect the purchaser's written statement and they cannot prove because the only document which I received was that written letter dated August 19<sup>th</sup> which says, allegedly, that they want to verify recent transactions: which transactions, they never specified. A message left on my telephone on the same date referring to unauthorized charge of \$ 100 which was a Sam's Club charge for membership dues. Nothing else I have ever received from Synchrony Bank. So, it was pure falsification. Moreover, whenever somebody tries to use credit card for purchasing pizza; it it's made on telephone, when the pizza is delivered, the credit card was supposed to be produced. So, they cannot explain and they did not explain why, why particular card was used in Colorado. Because I have

**Appendix O, page 8**

never, ever been in Colorado.

I attached to my Motion for Sanctions against attorneys, a response from CitiBank which also handled, allegedly, fraudulent transactions but that happened on internet. On internet, you do not have to produce physical card; when you buy pizza, you have to produce physical card. Moreover, that particular transaction that happened with CitiCard was five days after I received notification dated May 30, from the Delaware Department of Labor which notified me of the security breach where information about my social security, about my credit cards were stolen.

So, five days later, somebody else tried to use my credit card online. Here, they claimed that somebody wanted to use my credit card in Fruita, Colorado without notifying me of any breach of any security in the bank. So, everything here is so fraudulent, no trail. They claimed that they contacted me and I never responded. The only contact to me was that letter that came after August 20, after all accounts were robbed and I couldn't use it and they forced me to close the account.

So, practically the whole scenario here is that Sam's Club promises you 100% guarantee that you will be satisfied or your money back. So, the whole scenario

was to force me to give my money back and that's the scenario. And that money back was followed by insult, humiliation and abuse.

THE COURT: Okay, thank you Ms. Shahin. Ms. Molina, I have your Motion for Summary Judgment that you filed on behalf of Sam's East. I have gone through it and all of your exhibits. Did you want to make a brief summary of your Motion as well?

MS. MOLINA: Just briefly, You Honor.

THE COURT: Okay.

MS. MOLINA: As the brief demonstrates in the affidavit and exhibits attached thereto, there are no genuine issues of material facts in this case. The plaintiff relies solely on bare assertions, conclusory allegations and suspicions to substantiate her claim. And any claim that can be reasonably inferred from plaintiff's filings including the complaint and other letters in the docket fail as a matter of law. Basically, we respectfully request entry of summary judgment on all of plaintiff's claims and dismiss of this action as prejudiced. Unless Your Honor has any additional questions, Sam's Club will rest on its papers.

THE COURT: Okay, thank you. I do not have any additional questions. Ms. Shahin, did you want to speak



to that Motion?

MS. SHAHIN: Yeah. Again, I filed Motion for Sanctions against attorney on the same fraudulent charges because what attorney used was false, written statements and the perjury committed by the employee. Since they cannot produce, actually, any documents whatsoever, they claim that the item I wanted to purchase was still available and people purchased after the time I purchased and they claim that the item was available. If the item was available, why would I go to online and try to purchase it online? And online, it was not available and if the people purchased the item after the time I purchased

When I was holding that card, which they gave me, that particular item, I – after I complained, many people asked me where did I get it and I explained it, how I got it. And I suspect that a lot of people after me went to the customer service and complained and I suspect that the item was available under lock and key in storage room and was given only to clients – to patrons who complained.

So, this is why everything, again, in this state or there is absolutely fraudulent. The fact is that I came half an hour after opening and the item was already not avail-

able. If you complain, I guess, with the guarantee of 100% satisfaction. If you complain, they will give you the item. If you don't complain, you will not get it. So, it was not available for general public. So, claiming that they're not responsible is – has not whatsoever fact underneath.

THE COURT: Okay –

MS. SHAHIN: So, where the – you know, connection afterwards with the fraudulent charge related to membership dues which was charged to my account on August 19<sup>th</sup>. Everything was specifically scheduled in such a way that I would get kicked out of my money back so that I will not complain in the future.

THE COURT: Okay, thank you, Ms. Shahin. I also have what I'm calling number five, which is "Plaintiff's Motion for Sanctions against Synchrony, specifically Mr. Chapple," did you want to address on that motion, Ms. Shahin?

MS. SHAHIN: Yes, I—

THE COURT: I have read through it, I think --

MS. SHAHIN: I gave you that Motion because the Court requested me to give it. I cannot file it until twenty-one days after I mailed it to attorneys. So, you cannot address it because the attorneys have to be given

**Appendix O, page 12**

according to the Rules, a full twenty-one days to respond or fail to respond. So, as I said, the due date for filing that Motion is May ---sorry---July 12<sup>th</sup> and that's when I will file that Motion formally if attorneys fail to respond.

THE COURT: What about the Motion against Ms. Selena for defendant's Sam's Club east, you also filed a Motion for Sanctions, did you want to address?

MS. SHAHIN: That is the same thing. I filed that Mot – I mailed that Motion on the same date to both attorneys so the due date for filing that Motion is the same, 12<sup>th</sup> of July. So, it's only then, I can file that Motion. It was given to the Court just for the information. It was not formally filed with the Court so you cannot consider that under the Court's Rules.

THE COURT: Okay, so as to the Motion for Summary Judgment filed by Synchrony Bank, I'm going to grant that Motion, dismiss Ms. Shahin's case with prejudice; and as to the Motion for Summary Judgment filed by Sam's East, I'm also going to grant that Motion for Summary Judgment, dismiss the case against that defendant with prejudice.

On the Motion for Sanctions, I'm going to go ahead and deny those Motions. I don't believe the attorneys – because I'm denying the Motions, they don't need addi-

additional time.

MS. SHAHIN: I have not filed it. You cannot deny it. I will file it –

MS. DHAHIN: You did file it.

MS. SHAHIN: -- formally on the 12<sup>th</sup>.

THE COURT: You did file it. You filed it on June 22<sup>nd</sup> against both –

MS. SHAHIN: No, I didn't file it. I mailed it to the attorneys. I gave you – and by the way, I gave to your clerk and I specifically gave the – her, as a private, I told her it's not official filing. She requested it be by phone and I gave it to her without filing. And I told her, it's not filing, I cannot according to your Rules, I cannot file it.

THE CLERK: your Honor, that is not what I told her. I spoke with her myself.

THE COURT: I'm just checking with the clerk, did we accept it as a filing?

THE CLERK: She comes in.

THE COURT: Okay.

THE CLERK: And she said that she had mailed it to them.

THE COURT: Right.

**Appendix O, page 14**

THE CLERK: And I told her whatever she had sent to them, it affects her case.

THE COURT: Right.

THE CLERK: She needs to file it with the Court as well.

THE COURT: So, we accepted it as a filing?

THE CLERK: Yes.

THE COURT: Yeah, we accepted both those motions as filing, Ms. Shahin, so – but they're both denied, at this point. So, I's going to send out an Order –

MS. SHAHIN: I'm done. I'm done. This is a kangaroo court. This is what I expected to happen –

THE COURT: Right, well –

Ms. Shahin: I'M DONE. Goodbye.

THE COURT: Well, the case is dismissed so you are done, in fact. Okay, Mr. Chapple, Ms. Molina, did you have any additional comments? I believe that Ms. Shahin has left the call.

MR. CHAPPLE: Your Honor, this is Ben Chapple. No, I have no comments. I appreciate your time, thank you so much.

THE COURT: I know I had an Order on the Sam's East but I'm going to just do one Order for everything, if

that's okay with everyone?

MR. CHAPPLE: Yes, Your Honor.

THE Court: Okay, Ms. Molina, anything else?

MS. MOLINA: Nothing else, Your honor. Thank you for your time.

THE COURT: Okay, thank you very much for your very well laid out filings on both of your Motions; appreciate it, thank you.

MR. CHAPPLE: Thank you.

THE COURT: All right, have a good day, goodbye.

MR. CHAPPLE: You as well.

THE Court: Thank you.

(whereupon the proceedings were concluded)

## CERTIFICATE OF REPORTER

I, AMBER L. DURR, Certified Court Reporter of the Court of Common Pleas, State of Delaware, do hereby certify that foregoing is an accurate transcript of the testimony adduced and proceedings had, as monitored and electronically recorded, in the Court of Common Pleas for the State of Delaware, in the case therein stated, as the same now remains of record in the office of the Court of Common Pleas at Dover, Delaware.

WITNESS my hand this 17<sup>th</sup> day of August, 2017.

/s/ Amber L. Durr

Amber L. Durr

Certificate No. CET-815

Expiration Date: 12/31/2017

Certified Court Reporter

500 North King Street

Suite 2569

Wilmington, DE 19801

302-255-0887

SYNCHRONY BANK  
P.O. Box 965004  
Orlando, FL 32896-5004

59109  
C106

08/19/2016

Nina Shahin  
103 Shinnecock Rd.  
Dover, DE 199804-9446

**Account Number Ending In: 8483**

Dear Nina Shahin,

We are contacting you regarding the Sam's Club® MasterCard® referenced above.

This letter is in regard to your Sam's Club MasterCard account which is served by SYNCHRONY BANK. We are conducting a review to verify recent transactions processed on your Sam's Club MasterCard account.

To protect against unauthorized use, we have placed a restriction on your credit card account until we can confirm that there is no fraud occurring.

If we have not discussed this matter please call our office at 1.888.345.0518. The best time to reach us is Monday through Sunday 10 A.M. – 8 P.M. (EST).

If we have already spoken to you please disregard this letter.

We apologize if you should experience any inconvenience but want to assure that your account is used in accordance with your wishes.

**Appendix P, page 1**



Please note: California residents who are victim of identity theft, may have the right to contact Consumer Reporting Agencies to request a permanent block on the reporting of any information that the victim believes appears in his or her credit report as a result of the theft of personal identifying information.

If you have any questions, please call the phone number below.

Sincerely,

Fraud Department  
1.888.345.0518

**EXTRACT**  
From Monthly Synchrony Bank Statement

**Sam's Club® Master Card®** NINA SHAHIN  
Account Number: 5213 3312 0057 8483

Visit us at [samsclub.com/credit](http://samsclub.com/credit)  
Member Service: 1-866-220-0254

Summary of Account Activity

Previous Balance	\$279.90
- Payments	\$218.43
+ Purchases/Debits	\$100.00
+ <b>Interest Charges</b>	<b>\$3.04</b>
<b>New Balance</b>	<b>\$164.51</b>

Credit Limit	\$2,500.00
Available Credit	0
Cash Advance/Quick Cash limit	500.00
Available Cash	0
Statement Closing Date	9/16/2016
Days in Billing Cycle	30

Cash Earned Summary

Previously Reward Balance	\$61.47
5% Earned on Gas	\$0.00
3% Earned on Dining & Travel	\$0.00
1% Earned on other purchases	\$1.00
= Reward Balance	\$0.00

Transaction Summary

Tran Date	Post Date	Ref.#	Description Of Trans- Action or Credit	Amount
-----------	-----------	-------	---	--------

08/19	08/19	8521333KS01FZ854K		\$100.00
-------	-------	-------------------	--	----------

SAM'S CLUB  
006330  
DOVER DE  
ANNUAL  
MEMBERSHIP FEE,  
ANNUAL

**Delaware Department of LABOR  
Keeping Delaware First**

**May 30, 2017**

**Nina Shahin  
103 Shinnecock Rd.  
Dover, DE 19904**

We are writing to inform you of a data breach that allowed unauthorized access to your personal information – including name, date of birth and social security number – and the steps being taken to help protect you.

On March 22, 2017, the Delaware Department of Labor, Division of Employment and Training received confirmation that one of its vendors, America's Job Link Alliance-Technical Support (AJLA-TS), experiences a hacking incident from an outside source. AJLA-TS owns America's JobLink (AJL), which is a multi-state web-based system that links job seekers with employment for 10 states including Delaware. On March 21, 2017, AJLA-TS confirmed that a malicious third party "hacker" manipulated a weakness in the AJL application code that permitted the hacker to see personal information of Delaware JobLink users.

The AJLA-TS technical team, in combination with an independent computer forensic firm, disabled the hacker's access to the system and remediated the method of the hacker's attack. AJLA-TS also alerted the FBI, which is investigating the data breach. At this time, there is no indication that your information has been misused. To guard against any potential risk to your information, AJLA-TS will provide you with three years of credit monitoring provided by Equifax at no cost

**Appendix R, page 1**

to you, including up to \$25,000 in identity theft insurance. Please be aware that you have until **July 15, 2017** to enroll in this free service.

If you have not received an e-mail from AJLA-TS with your unique activation code for you Equifax credit monitoring service, please immediately contact the AJLA Response Center at **844-469-3939**. The response center's hours are 9am – 9 pm EDT. **You must contact the AJLA Response Center immediately to receive your activation code which must be activated by July 15, 2017.**

**The entities listed below also can provide you with information about fraud alerts and security freezes:**

Equifax (877 478-7625  
[www.equifax.com](http://www.equifax.com)

Experian (888) 397-3742  
[www.experian.com](http://www.experian.com)

TransUnion (800) 680-7289  
[www.transunion.com](http://www.transunion.com)

**Be vigilant-**closely monitor your credit reports and take advantage of the free services being provided to protect your personal information. **For important information on how to protect your identity go to <https://joblink.delaware.gov> and click on the RESOURCES tab, then heading IDENTITY THEFT.** You can visit or call one of our local offices listed on the left of page for a copy of the identity resources. We sincerely apologize for any inconvenience and concern this incident has caused you. Please be assured that the privacy of your personal information is of the utmost important to us.

Sincerely;

Patrice Gilliam-Johnson, Ph.D.  
Secretary, Delaware Department of Labor

Offices Listed on the Left of that Letter: (NS)

**Wilmington**

4425 North Market Street  
Wilmington, DE 19802  
(302) 761-8085

**Dover**

Blue Hen Corporate Center  
655 S. Bay Road  
Suite 2H  
Dover, DE 19901

**Newark**

Pencader Corporate Center  
255 Corporate Blvd.  
Suite 211  
Newark, DE 19702  
(302) 453-4350  
(302) 453-4136 (TTDY)

**Georgetown**

8 Georgetown Plaza  
Suite 2  
Georgetown, DE 19947  
(302) 856-5230

May 8, 2006

Code:CPARWWAVB

01619365

Nina Shahin

103 Shinnecock Rd.

Dover, DE 19904-9446

**Dear Nina Shahin,**

We are contacting you about incident that affects you. A restored AICPA computer hard drive containing certain member information being transported to the Institute cannot presently be located. The hard drive was damaged and had been sent out for repair by an employee in direct violation of the Institute's internal control policies and procedures. We deeply regret this incident.

Despite our exhaustive investigations both within the institute and FedEx Express, the hard drive has not been yet located. We are contacting you because your name, address and social security number are on the hard drive. Your credit card information was not included. There is no evidence that the hard drive or its contents have been inappropriately accessed. Based on the investigation to date, we believe this is a case of a package being lost. Nevertheless, we are pursuing a number of actions to protect our members.

We have partnered with Consumerinfor.com, and Experian company, to provide you with a full year of credit monitoring free of charge, which will be available beginning May 23, 2006. Details on the service appear on the reverse side of this letter. Your individual Credit Monitoring Access Code appears in the upper right-hand

**Appendix S, page 1**

corner of this letter. In addition, we have contacted the three major credit bureaus listed below to advise them of this incident. Because the bureaus require the individual to register with them directly, we did not give them your name. Therefore, we encourage you to make contact on your own. You need only call one of the bureaus.

**Equifax, [www.equifax.com](http://www.equifax.com), 800-525-6285**

**Experian, [www.experian.com](http://www.experian.com), 888-397-3742**

**TransUnion, [www.transunion.com](http://www.transunion.com), 800-680-7289**

Although there is no evidence that the hard drive has been inappropriately accessed, we view this matter with the highest degree of concern. Preserving the security of electronic data is a prevalent issue today, with many companies experiencing similar types of incidents. The collection of social security numbers has been a long-standing procedure for the AICPA. However,, as a preventive measure, we are in the process of deleting those numbers from our member database. We will cease collecting and maintaining the, except in limited circumstances, and even for those we are accelerating our efforts to develop other means of uniquely identifying our members.

We have established a Web site at **[www.aicpa.org/PrivatInfo](http://www.aicpa.org/PrivatInfo)** to provide you with other information you may want to consider. Additional resources may be found at **[www.consumer.gov/idtheft](http://www.consumer.gov/idtheft)**, a Federal Trade Commission Web site. Finally, you may contact us at our dedicated **Privacy Information Center: 800-826-3881**, or you may e-mail us at **[SecurityInfo@aispa.org](mailto:SecurityInfo@aispa.org)** if you have questions or concerns not covered on our dedicated Web site.

We want to emphasize that no one from AICPA will call

**Appendix S, page 2**



you directly about this matter. If someone does call you about it, do not give personal information. Instead, please contact us immediately at our Private Information Center. We sincerely apologize for any inconvenience this may cause you and fully recognize the trust you put in our organization – and will continue to do our utmost to maintain it.

Sincerely,

/s/Anthony Pughlese,

Anthony Pugliese, CPA – Finance and Operations

### **About the Credit Monitoring Service**

Consumerinfo.com's credit monitoring resources, Triple Alert<sup>cm</sup>, will identify and notify of any key changes that may be a sign of identity theft. I will provide you with the following:

- Automatic, daily monitoring of your Experian®, TransUnion and Equifax credit reports
- E-mail alerts or key changes to any of your 3 national credit reports
- \$10,00 identity theft insurance provided by Virginia Surety, Inc.
- Dedicated fraud resolution representatives available for victims of identity theft.

We encourage you to enroll in the service. To enroll, please visit **<http://partner.consumerinfo.com/aicpa>** on May 23, 2006 and enter the Credit Monitoring Access Code that appears in the upper right-hand corner on the front of this letter. Do not enter credit card information as this will be a free service to you. If you choose to

**Appendix S, page 3**

Enroll, you must do so within 90 days from the effective date. The service will continue for 12 months. You will be instructed on how to initiate your online membership

**PLEASE VISIT [WWW.AICPA.ORG/PRIVACYINFO](http://WWW.AICPA.ORG/PRIVACYINFO)  
FOR FUTHER INFORMATION**

PRESIDENT WILLIAM BRADY OF THE DELAWARE  
BAR ASSOCIATION THINKS MORE THATN  
2000NEW MEMBERS OF CITIZENS FOR A PRO-  
BUSINESS DELAWARE DON'T KNOW THE FACTS.

(Picture below is of Mr. William P. Brady speaking to a  
crowd of people)

(Below the picture:)

*"WE WOULD HOPE AND EXPECT THAT ONCE  
BECOME AWARE OF THE TRUE FACTS OF THE  
MATTER, THEY WILL DISACCIATE THEMSELVES  
FROM THE CITIZENS GROUP."*

William P. Brady, President of the Delaware Bar Association

- FACT: DELAWARE'S SUPREME COURT  
HAS NEVER HAD AN AFRICAN  
AMERICAN JUSTICE
- FACT: DELAWARE RECEIVED AN "F"  
FROM THE CENTER FOR PUBLIC  
INTEGRITY IN JUDICIAL  
ACCOUNTABILITY
- FACT: NONE OF THE STATEMENT  
MADE BY WILLIAM BRADY  
ADDRESS THE LACK OF  
TRANSPARENCY, ACCOUNTABI-  
LITY AND DIVERSITY IN THE  
DELAWARE COURT.