

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CALVIN OAKES,	§
	§ No. 709, 2010
Plaintiff Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court of
	§ the State of Delaware, in and for
ROSE R. OAKES, KATHRYN J.	§ New Castle County
LAFFEY, and KARLA MURRAY,	§ C.A. No. N10C-04-145
	§
Defendants Below-	§
Appellees.	§

Submitted: January 14, 2011

Decided: February 16, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 16<sup>th</sup> day of February 2011, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) Plaintiff-appellant, Calvin Oakes (“Oakes”), filed this appeal from the Superior Court’s dismissal of his complaint against the three defendants-appellees. Each appellee has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Oakes’ opening brief that his appeal is without merit. We agree and affirm.

(2) Oakes is the ex-husband of appellee Rose Oakes. They were divorced in 2006. Appellee Kathryn Laffey was Rose Oakes’ lawyer in the Family Court proceedings. Appellee Karla Murray is a paralegal employed by Rose Oakes’

employer. Murray, on behalf of her employer, prepared a letter with accompanying documents regarding the value of Rose Oakes' 401K plan, which was submitted as evidence to the Family Court during the proceedings ancillary to the Oakes' divorce. After a hearing, the Family Court issued a decision, dated June 23, 2008, addressing the parties' ancillary issues, including property division and Oakes' claim for alimony against his ex-wife. Both parties moved for reargument. The Family Court made some adjustments to the property division order but otherwise denied the motions for reargument on October 22, 2008. This Court affirmed on appeal.<sup>1</sup>

(3) In April 2010, Oakes filed a four count complaint against the appellees in the Superior Court. The first count of the complaint alleged that Rose Oakes had engaged in bad faith, fraud, embezzlement, and false representations, that she had committed a breach of trust, had been unjustly enriched, and caused emotional distress to Oakes. The second count of the complaint asserted that Murray had been professionally negligent, engaged in bad faith, and had breached her fiduciary duty and her duties of care and trust. The third count of the complaint alleged that Laffey had been professionally negligent, had engaged in legal malpractice and unfair and deceptive business practices, had acted in bad faith, had breached her fiduciary duty and her duties of care and trust, and had caused Oakes emotional distress and mental anguish. The fourth count of the

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<sup>1</sup> *Olsen v. Olsen*, 971 A.2d 170 (Del. 2009).

complaint alleged claims of unjust enrichment, psychological trauma, and emotional distress against all three appellees. The underlying basis for all of Oakes' claims stemmed from the allegedly incorrect valuation of Rose Oakes' 401(k) plan during the ancillary proceedings.

(4) All three appellees filed motions to dismiss Oakes' complaint for failure to state a claim.<sup>2</sup> The Superior Court held a hearing on the respective motions.<sup>3</sup> As to all three appellees, the Superior Court found, among other reasons, that Oakes' claims were barred by the doctrines of collateral estoppel and res judicata.<sup>4</sup> We review the Superior Court's dismissal of Oakes' complaint de novo.<sup>5</sup>

(5) The doctrine of res judicata prevents a party from bringing a second lawsuit based on the same cause of action after a judgment has been entered in a prior lawsuit involving the same parties.<sup>6</sup> Similarly, when an issue of fact essential to a decision has been litigated and determined by a valid and final judgment, the doctrine of collateral estoppel precludes relitigation of that issue in a second

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<sup>2</sup> See Del. Super. Ct. Civ. R. 12(b)(6) (2011).

<sup>3</sup> At that same hearing, the Superior Court also heard a motion to dismiss a second lawsuit for legal malpractice, which Oakes had filed against the lawyer who had represented him in the Family Court divorce proceedings. The Superior Court dismissed that complaint as well. Oakes filed a separate appeal from that order of dismissal, which is still pending in *Oakes v. Clark*, Del. Supr., No. 708, 2010.

<sup>4</sup> The Superior Court also found that Oakes' claims were barred for various other reasons. Because we affirm on the ground of collateral estoppel, we need not address these other bases for dismissal.

<sup>5</sup> *Ramirez v. Murdick*, 948 A.2d 395, 399 (Del. 2008).

<sup>6</sup> *M.G. Bancorporation, Inc. v. LeBeau*, 737 A.2d 513, 520 (Del. 1999)

lawsuit or hearing concerning a different cause of action involving a party to the first case.<sup>7</sup>

(6) In this case, Oakes acknowledged during the Superior Court hearing that his intention in filing his complaint was to obtain discovery regarding his ex-wife's 401K plan in order to challenge the Family Court's valuation of the plan, which he contends was incorrect and based on incomplete information. The Family Court, however, has exclusive jurisdiction over all proceedings in divorce and annulment in Delaware,<sup>8</sup> including the disposition of marital property.<sup>9</sup> Oakes had a full and fair opportunity to litigate this issue in the Family Court proceedings and on appeal to this Court. He is jurisdictionally barred and collaterally estopped from attempting to relitigate this issue in the Superior Court.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>7</sup>*Messick v. Star Enter.*, 655 A.2d 1209, 1211 (Del. 1995).

<sup>8</sup> DEL. CODE ANN. tit. 10, § 921(11) (1999).

<sup>9</sup> DEL. CODE ANN. tit. 13, § 1513 (2009).