

793 A.2d 311 (Table)
Unpublished Disposition
(The decision of the Court is referenced in the
Atlantic Reporter in a "Table of Decisions Without
Published Opinions.")
Supreme Court of Delaware.

Brian J. WINWARD, Plaintiff Below-Appellant,
v.
Walter REDMAN et al., Defendants Below-
Appellees.

No. 469, 2001. | Submitted Jan. 11, 2002. | Decided
March 18, 2002.

Court Below-Court of Chancery of the State of Delaware,
in and for New Castle County, No. 12402.

Before VEASEY, Chief Justice, BERGER and STEELE,
Justices.

Opinion

ORDER

*1 This 18th day of March 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The plaintiff-appellant, Brian J. Winward, filed this appeal from the August 28, 2001 order of the Court of Chancery denying his motion for an enlargement of time to file exceptions to the Master's Final Report and approving the Master's Final Report. We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In this appeal, Winward claims that the Court of Chancery abused its discretion: a) by denying his request for an enlargement of time to file objections to the Master's Final Report; and b) by accepting the Master's Final Report denying his motion to set aside a previous Final Report, which, Winward alleged, was based upon a fraudulent and racially discriminatory settlement agreement.¹

(3) In 1992, Winward, an inmate at the Delaware

Footnotes

¹ Subsection (b) incorporates both of Winward's last two claims.

² CT. CH. R. 144(a).

Correctional Center, joined other inmates in filing suit against a number of Delaware Department of Correction officials. The parties ultimately entered into a settlement agreement, which provided, among other things, that Winward would be evaluated for drug addiction and offered a rehabilitation program. Believing that the Department of Correction had violated the terms of the agreement, Winward subsequently filed an action in the Court of Chancery requesting specific performance. On September 5, 1996, the Master in Chancery filed his draft report denying the relief requested by Winward.² Winward's exceptions to the draft report were rejected by the Master in Chancery in his Final Report, which was filed on February 21, 1997. Winward did not take exception to the Master's Final Report and did not seek a de novo review by the Court of Chancery.³

(4) On March 12, 1999, approximately two years after the Master's Final Report was issued, Winward filed a motion to set aside the report on the ground that the settlement agreement with the Department of Correction was fraudulent and racially discriminatory. On June 19, 2000, the Master in Chancery issued a draft report denying the motion. In spite of being afforded an extension of time in which to file exceptions to the draft report, Winward did not timely file his exceptions. On July 18, 2001, the Master in Chancery filed his Final Report. Winward filed a motion for an extension of time in which to file exceptions one day after the date his notice of exception was due.⁴ The Master's Final Report was accepted by the Court of Chancery in its August 28, 2001 order.

(5) There is no merit to Winward's claims. The Court of Chancery was within its discretion to deny Winward any further time to file objections to the Master's Final Report and, moreover, committed no error or abuse of discretion in approving the Master's Final Report.⁵

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

Parallel Citations

2002 WL 440252 (Del.Supr.)

Winward v. Redman, 793 A.2d 311 (2002)

3 Id.

4 Id.

5 Id.; *DiGiacobbe v. Sestak*, 743 A.2d 180, 183-84 (Del.1999).