



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

THE MALLARD LAKE
COMMUNITY ASSOCIATION, INC.,

Plaintiff,

v.

SIMONE REBA,

Defendant.

C.A. No. 2025-1116-DH

DEFENDANT SIMONE REBA’S MOTION TO STRIKE COMPLAINT
PARAGRAPHS 28 AND 30

Defendant Simone Reba (“Reba”) hereby moves to strike Paragraphs 28 and 30 of Plaintiff the Mallard Lake Community Association, Inc.’s (“Mallard Lake” or “Plaintiff”) Complaint. In support thereof, Plaintiff states as follows:

I. Introduction.

1. Plaintiff commenced litigation on October 1. Plaintiff’s Complaint contains almost no facts in support of its allegations or request for relief. Plaintiff admits it has no solutions to the tidal and stormwater problems that plague Mallard Lake, and simply hopes a government solution materializes, somehow, in the future. Compl. ¶ 23. Plaintiff has chosen instead to initiate litigation against a single

homeowner for seeking political solutions to the problem, something she has every right to do. Consistent with that strategy, the Complaint contains impertinent, scandalous, and defamatory allegations that should be stricken pursuant to Rule 12(f).

2. Rule 12(f) permits this Court to strike “from any pleading any insufficient defense or any redundant, immaterial, impertinent or scandalous matter.” Ch. Ct. R. 12(f).

Immaterial matter is that which has no essential or important relationship to the claim for relief or the defenses being pleaded, or a statement of unnecessary particulars in connection with and descriptive of that which is material. Similarly, impertinent material is defined as statements that do not pertain, and are not necessary, to the issues in question. Finally, scandalous material is defined as that which improperly casts a derogatory light on someone, most typically on a party to the action.

Salem Church (Delaware) Assocs. v. New Castle Cnty., 2004 WL 1087341, at *2 (Del. Ch. May 6, 2004), citing 5A CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE §1382, at 706-08 (2d ed.1990). (internal quotations and citations omitted). “Furthermore, objectionable material will be stricken only if it is clearly shown to be unduly prejudicial.” *Id.* at *3 (internal quotations and citations omitted).

II. The Court Should Strike Paragraph 28 of the Complaint.

3. Paragraph 28 of the Complaint alleges that Reba “is accustomed to serving in a leadership position [and] seemingly has significant trouble working

collaboratively in a team environment....” Compl. ¶ 28. The Complaint then cites, as a purported example of this allegation, an article from Politico nearly a decade old about Reba’s activities auditing the Pentagon. *Id.* Neither Reba’s ability to work in a team environment nor her professional activities auditing the Pentagon a decade ago have anything at all to do with Plaintiff’s complaint or the relief it seeks. The Complaint, although vague, is directed entirely at Reba’s alleged independent actions. Reba is not alleged to be part of a team and none of the allegations, or the relief sought, have anything to do with a group effort or asking the Court to make Reba collaborate with anybody. Even if Plaintiff could somehow prove that Reba had “significant trouble” working collaboratively in a team environment, that fact would have no bearing on the outcome of this case.

4. Of additional relevance is that Mallard Lake is holding its annual election on October 18, a little more than two weeks after the Complaint was filed. Reba is running for a position on the board, and the current board has published the Complaint on the Association website. The Complaint is plainly being used as a vehicle to levy personal insults at Reba and prejudice her chances in the election. Unfortunately, the expense of this gambit will be borne by the Mallard Lake unit owners.

5. The allegations in Paragraph 28 fit the definition of all three bases Rule 12(f) affords for striking a complaint. They are clearly “scandalous” in that they are

intended to place Reba in a bad light (and nothing more). They are an attack on her character based on a magazine article of ten years ago replete with inadmissible hearsay. Moreover, the Complaint alleges the article is just “an example” of Reba’s alleged character flaw, implying it runs deeper than anything described in the sort of gossipy political article that routinely appears about high-level political events.

6. The allegations are “impertinent” in that they do not pertain to, and are not necessary to resolve, the issues in question. Plaintiff seeks an injunction against Reba’s future speech based on allegations that she is misrepresenting herself online and in conversations with elected officials. Plaintiff’s actions of ten years ago in her capacity as a high-level federal employee do not pertain to whether the Court would or would not grant the relief Plaintiff seeks, even if all of Plaintiff’s allegations are true (which they are not). For this reason, the allegations are also “immaterial” because they have no relationship to the claims pled.

7. The allegations in Paragraph 28 are also unduly prejudicial because they attack Reba’s character. *See, Bd. of Educ. of Sussex Cnty. Vocational-Tech. Sch. Dist. v. Sussex Tech Educ. Ass’n*, 1998 WL 157373, at *2 (Del. Ch. Mar. 18, 1998) (finding defendant unduly prejudiced where allegations “attack [his] character” and were unnecessary to include in the pleadings). The allegation that Reba “seemingly has significant trouble working collaboratively in a team environment” is not a factual allegation in any real sense, but a description of Reba’s

character, and an unnecessary and defamatory one at that. The Court should strike it under Rule 12(f) for this reason alone. But additionally, this lawsuit is being used as a vehicle to prejudice Reba in the upcoming board elections and that is the real reason for the inclusion of this completely irrelevant attack on her character. The Court should strike paragraph 28.

III. The Court Should Strike Paragraph 30 of the Complaint.

8. Paragraph 30 is similarly impertinent and immaterial because it is clearly false. Paragraph 30 alleges that “[a]t a recent public hearing in Sussex County on July 15, 2025, Defendant improperly and confusingly represented herself as speaking for the Association and/or the community as a whole rather than as an individual homeowner speaking only for herself....” Compl. ¶ 30.

9. Ordinarily, a claim by a Defendant that an allegation is false would not be sufficient to support a motion to strike, which is not a favored procedural mechanism. *Bd. of Educ. of Sussex Cnty.*, 1998 WL 157373, at *2 (“motions to strike are normally disfavored”). In this case, however, an audio recording of the July 15, 2025, Sussex County Council meeting containing the entirety of Reba’s remarks is available online.¹ Reba’s comments begin at 1:48 and end at 5:00. Reba plainly at no time represented herself as speaking for the Association or the community as a

¹<https://sussexcountyde.gov/sites/default/files/audio/07%2015%2025%20CC%20%281%29.mp3>

whole. She prefaced her three minutes of remarks by clearly stating only that she is a homeowner in Mallard Lake. Plaintiff, and Daniel Nelson, who verified the allegations in the Complaint by sworn affidavit, failed to undertake the most basic investigation before bringing these claims.

10. A fact that is evidently and obviously not accurate cannot be pertinent or material to Plaintiff's claims, because incorrect and easily disprovable facts cannot support claims in this Court. Once again, Reba is prejudiced because the Complaint is being used as a vehicle to publish false and defamatory allegations on Plaintiff's website in anticipation of the upcoming board elections. In this case, Plaintiff seeks to publish the false accusation that Reba represented herself as speaking for the Association when an audio recording available online clearly proves she did no such thing. Plaintiff should not be permitted to use the justice system to publish false and defamatory allegations that do not support its allegations, and the false allegations in Paragraph 30 of the Complaint should be stricken under Rule 12 (f).

McALLISTER FIRM LLC

/s/ Daniel F. McAllister, Esq. _____

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Dated: October 13, 2025

WORDS: 1,252/3,000