

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

THE MALLARD LAKE)
COMMUNITY ASSOCIATION, INC.,)
)
Plaintiff,) C.A. No. 2025-1116-DH
)
v.)
)
SIMONE REBA,)
)
Defendant.)

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

Plaintiff, The Mallard Lake Community Association, Inc. (the “Association”), hereby responds in opposition to Defendant’s Motion to Strike Complaint Paragraphs 28 and 30 (the “Motion”) and states as follows:

1. Preliminarily, it suffices for purposes of this opposition to state simply that the Association disagrees with and disputes the characterizations made in the first paragraph of the Motion concerning what the Association allegedly “admits” or “hopes,” as well as Defendant’s characterization of this litigation’s purpose or the Association’s “strategy.” Equally in dispute is the theme of the Motion implying that this litigation was designed to prejudice Defendant in the Association’s board elections, which have now passed. This litigation continues notwithstanding that fact and was never intended to influence the elections in any event.

2. With respect to paragraphs 28 and 30 of the Complaint, there is no basis

for striking them. Those allegations are neither scandalous, irrelevant, nor “clearly false.”

3. Paragraph 28, concerning Defendant’s prior leadership position in government and related issues, is relevant in the context of the Association’s Complaint because, *inter alia*, the Association has made efforts, although unsuccessful, to get Defendant “on the same page” about her role (or, perhaps more importantly, her lack of a role) in the Association’s affairs and the way in which she should interface with third parties to avoid giving the impression that she speaks in any official capacity. However, every invitation to work cooperatively with the Association has been met with the Defendant refusing to be part of the “team” and instead blazing her own path any way she sees fit even when it harms the Association.

4. Moreover, paragraph 28 of the Complaint cites a news article that appears as the first or second search result when you search for Defendant’s name on Google or Bing, and paragraph 28 does not “attack Reba’s character” in any meaningful sense. It is also not “defamatory,” both because it merely states an opinion and because of the protection of the absolute litigation privilege. *See, e.g., Paige Cap. Mgmt., LLC v. Lerner Master Fund, LLC*, 22 A.3d 710, 715 (Del. Ch. 2011) (“The absolute litigation privilege, ‘long recognized in Delaware ... protects from actions for defamation statements of judges, parties, witnesses and attorneys

offered in the course of judicial proceedings so long as the party claiming the privilege shows that the statements issued as part of a judicial proceeding and were relevant to a matter at issue in the case.”) (quoting *Barker v. Huang*, 610 A.2d 1341, 1345 (Del.1992)). See also *Doe v. Cahill*, 884 A.2d 451, 463 (Del. 2005) (“Whether or not a statement is defamatory is a question of law. In answering this question, Delaware courts must determine: ‘*first*, whether alleged defamatory statements are expressions of fact or protected expressions of opinion....’” (quoting *Riley v. Moyed*, 529 A.2d 248, 251 (Del.1987)) (emphasis in original).

5. Instead, paragraph 28 of the Complaint serves to bolster the Association’s view and position in this case that it will not obtain necessary cooperation from Defendant in the absence of injunctive relief from this Court. Without court-imposed limits, it appears the Defendant will continue to misrepresent for whom she speaks.

6. With respect to paragraph 30 of the Complaint, Defendant incorrectly asserts that it is “impertinent and immaterial because it is clearly false” and helpfully includes a footnote containing a link to the audio from the July 15, 2025, meeting of the Sussex County Council during which Defendant spoke between 1:48 and 5:00 of the 2:19:19 recording. Defendant further asserts that “Reba plainly at no time represented herself as speaking for the Association or the community as a whole.” Defendant correctly notes that she prefaced her remarks by telling the Sussex County

Council that she owns a unit in Mallard Lakes (but notably did not make it clear she was speaking only as a concerned homeowner).

7. Importantly, Defendant went on to say during those remarks:
 - (a) at 2:08 – “...Thank you...for meeting with **us**.”
 - (b) at 2:18 – that she wants to “restate **our** discussion and ask for your help....”
 - (c) at 2:47 – “**We** know real solutions aren’t cheap.”
 - (d) at 2:55 – “...**We** need a clear plan.”
 - (e) at 3:27 – “If **we** can secure [funding]....”
 - (f) at 4:00 – “**We** would potentially require a 10% cost-share to the non-federal partner.”
 - (g) at 4:22 – “**We** respectfully ask....”
 - (h) at 4:37 – “...**We** ask you....”

8. A homeowner speaking only on her own behalf has no reason to repeatedly use words like “we,” “us,” and “our” throughout her remarks in general or to make any assertions about what “we” ask for or may require. Moreover, Defendant’s requests to the Sussex County Council are requests that can only be properly made by the Association’s Council and not by a homeowner who holds no position within the Association and has no authority to request anything on its behalf.

9. Further, the Association respectfully urges the Court to remember that

Defendant owns a single unit within a building containing several other connected units. There is not a scenario where a government entity could award grant funds or some other form of funding to address tidal water issues affecting Defendant's unit alone, and Defendant would have no authority to approve any expenditure of funds that she might succeed in getting awarded anyway. Accordingly, any time Defendant requests that the government take action to provide funds for addressing tidal water issues at Mallard Lakes (as she did during the Sussex County Council meeting) she is improperly requesting those funds on behalf of the Association and community as a whole *by necessity*.

10. As the above paragraphs demonstrate, the Association has not used this litigation as a vehicle to "publish false and defamatory allegations" as Defendant claims. Rather, paragraph 28 of the Complaint reflects an opinion based upon, among other things, the publicly available article that is referenced therein, and bears upon the Association's belief that it requires injunctive relief from this Court in order to rein in Defendant's improper behavior. Paragraph 30 of the Complaint is based upon the numerous instances during a July Sussex County Council meeting where Defendant confusingly referred to "we" and "us" in connection with her presentation and the requests she made that can only be construed as an effort to speak on behalf of the Association.

11. Accordingly, for the reasons set forth above, the Motion should be

denied.

WHEREFORE, the Association respectfully requests that the Court deny Defendant's Motion and grant the Association such other and further relief as the Court deems proper and just.

Dated: November 17, 2025

**WHITEFORD, TAYLOR & PRESTON
LLC**

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