

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

CLARA J. THOMAS.	)	
	)	
	)	C.A. No. 02-MC-136
Plaintiff,	)	
	)	
v.	)	Judgment from the Southern
	)	District of Florida
CONNECTICUT GENERAL LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This case appears to be only the latest in a series of frivolous motions that the plaintiff, Clara J. Thomas, has filed against defendant, Connecticut General Life Insurance Company (“CGLIC”), after losing an ERISA case in the United States District Court for the Middle District of Florida in 1997. (See Docket Item [“D.I.”] 17 at Ex. 1.) I will not set forth the lengthy history of Ms. Thomas’s dispute with CGLIC, the insurance company which had provided long term disability benefits to her. Suffice it to say that she prevailed against the company once in 1991 in a suit filed in the United States District Court for the Southern District of Florida (*id.* at Ex. 2) and judgment in that matter (the “1991 Judgment”) was noted as satisfied over ten years ago. (*Id.* at Ex. 10.) She was not content with that, however, and unsuccessfully sued in the Middle District of Florida for benefits she claimed were due under ERISA. (See *id.* at Ex. 1.) She has continued to try to collect additional sums from CGLIC, despite repeated orders from both the Middle District of Florida and the Southern District of Florida repudiating her

attempts. In December of 2002, Ms. Thomas brought her campaign to this court and, without providing any of the background information which has since been provided by CGLIC, she registered the 1991 Judgment here and instituted garnishment proceedings against Deutsche Bankers Trust Co. Delaware (“Deutsche Bank”), which she apparently believed had custody of funds belonging to CGLIC. (See D.I. 1, D.I. 4.) She has sought default judgment against Deutsche Bank. (D.I. 14.)

Once CGLIC became aware of the proceedings against Deutsche Bank, it filed a Motion to Vacate Judgment, to Quash Writ of Execution, Deny Motion for Default Judgment, and to Show Cause Why Plaintiff Should Not Be Sanctioned. (D.I. 16; the “Motion”.) The Memorandum of Law (D.I. 17) filed in support of the Motion chronicles the sad series of pro se filings through which Ms. Thomas has repeatedly tried to recover additional sums from CGLIC, despite the careful corrections and admonishments given to her by judicial officers in the Southern and Middle Districts of Florida. Finally, earlier this year, sanctions for her frivolous filings were imposed upon her in the Middle District of Florida. (See *id.* at Ex. 16.)

In response to CGLIC’s Motion and supporting Memorandum of Law, Ms. Thomas filed what she denominated her “objections” to the Motion, along with her “‘Advisory Information Only’ Regarding Defendant’s Knowingly, False Defenses that Mislead and Deceived A Magistrate Court to Reverse a Prior Final Judgment Against Defendant” (D.I. 20), in which she admits that the sums she seeks to recover here are based upon the 1991 Judgment. (*Id.* at 1-2.) She complains that the other courts before which she has appeared just don’t get it, or, even worse, that they purposely are denying her justice. She says, for example, “the magistrate court knowingly and

purposedly, relitigated, retried, redetermined and reversed a case between the same parties, the same cause of action and the same merits, that had already been determined and adjudicated by another higher, federal district court.” (*Id.* at 2.) What she fails to apprehend is that, even if there were any merit to what she said, her rights with respect to the dispute over her disability benefits were laid to rest when the United States Court of Appeals for the Eleventh Circuit affirmed, in 1998, the order of the Middle District of Florida upholding the Magistrate Judge’s ruling to which Ms. Thomas takes such vehement exception. (See D.I. 17 at Ex. 5.)

I am compelled to agree with CGLIC that Ms. Thomas is abusing the judicial system and is doing so despite repeated warnings. Accordingly, it is hereby ORDERED that

- 1) the Motion (D.I. 16) is hereby GRANTED in all respects;
- 2) the Judgment registered against defendant CGLIC on December 3, 2002 (D.I. 1) is VACATED;
- 3) the writ of execution issued to Deutsche Bank (D.I. 7) on January 21, 2003 is QUASHED and VACATED;
- 4) Plaintiff’s Motions for Default Judgment (D.I. 10, 14 and 22) are DENIED with prejudice; and
- 5) Plaintiff and defendant, CGLIC, shall appear before the court on **December 8, 2003 at 9:30 a.m.** for a hearing at which plaintiff shall show cause why the court should not impose sanctions upon her for violations of Federal Rule of Civil Procedure 11 and/or 28 U.S.C. § 1927, defendant shall present evidence pertaining to the fees and expenses incurred in responding the plaintiff’s filings in this court, and the

parties may present evidence and argument regarding CGLIC's request for an injunction barring the plaintiff from filing any other action, in this court or elsewhere, relating to the 1991 Judgment. Plaintiff's failure to appear may result in the imposition of sanctions.

Kent A. Jordan  
UNITED STATES DISTRICT JUDGE

November 4, 2003  
Wilmington, Delaware