

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

N.H. Greenfield, Jr.,	:	
d/b/a Allied Associates, Ltd.,	:	C.A. No. 07-02-0180AP
	:	
Defendant below/	:	
Appellant,	:	
	:	
v.	:	
	:	
Yuri Prykupenko,	:	
	:	
Plaintiff below/	:	
Appellee.	:	

**Submitted: April 30, 2008**

**Decided: April 30, 2008**

**Judgment is entered against Plaintiff**

**N.H. Greenfield, Jr., d/b/a Allied Associates, Ltd., 105 Canoustie Road, Dover, Delaware 19901, *Pro Se* Appellant.**

**Yuri Prykupenko, 28 Washington Street, Dover, Delaware 19901, *Pro Se* Appellee.**

**Trader, J.**

In this civil appeal from the Justice of the Peace Court, the plaintiff recovered a judgment in that court against the defendant for \$785.00, plus court costs. The defendant has taken a timely appeal to this Court and a copy of the summons was served on the plaintiff on March 20, 2007. The plaintiff has never filed a complaint with this Court setting forth his claim.

Court of Common Pleas Civil Rule 72.3(a) requires the plaintiff, who has the duty of filing a complaint on appeal, to serve a copy of such pleadings within twenty days after the service of process on appeal. Under Rule 55(b)(b)(2), when the appellee fails to comply with Rule 72.3(a) by serving a copy of the complaint upon the appellant, judgment should be entered against the appellee. The plaintiff in this case has failed to file a complaint with this Court for more than a year or serve a copy of the pleading on the appellant. Since the plaintiff has failed to comply with the mandatory requirements of the rule, judgment must be entered against him for the cost of these proceedings.

**IT IS SO ORDERED.**

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**Merrill C. Trader**  
**Judge**