

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

Eric Hogate, :  
 : C.A. No. 06-10-0033AP  
 :  
 Defendant below/ :  
 Appellant, :  
 :  
 :  
 v. :  
 :  
 :  
 Mary Bonney-Shorter, :  
 Shorter & Associates, :  
 :  
 :  
 Plaintiffs below/ :  
 Appellees. :

Submitted: September 13, 2007

Decided: September 13, 2007

**Decision on Appellees' Motion for Reargument.**

**Appellees' Motion is denied.**

**Eric Hogate, 9 Pennsylvania Avenue, Dover, Delaware 19901, Pro Se Defendant-  
below/Appellant.**

**Mary Bonney-Shorter, 1890 Brenford Road, Dover, Delaware 19904, Pro Se  
Plaintiff-below/Appellee.**

**Shorter & Associates, 1890 Brenford Road, Dover, Delaware 19904, Pro Se  
Plaintiff-below/Appellee.**

**Trader, J.**

In this civil action, I will treat the plaintiffs/appellees' letter as a motion for reargument. Since the plaintiffs/appellees' motion for reargument is simply a rehash of arguments already decided by the Court, the motion for reargument is denied.

The Court previously held that judgment must be entered against the plaintiffs/appellees for failure to comply with Civil Rule 55(bb2). Service of process of the notice of appeal and summons was obtained upon the plaintiff on October 14, 2006. The plaintiffs did not serve a copy of their complaint upon the defendant within twenty days as required by Civil Rule 55(bb2). Hence, the Court entered a default judgment against the plaintiffs as required by the Rule. (For further facts, see Order of the Court dated August 29, 2007, C.A. No. 06-10-0033AP).

The plaintiffs first contend that they were given misinformation by one of the civil clerks and therefore, they were discouraged from taking further action in this case. In plaintiffs' application for a new trial, they state that they first came to the Court of Common Pleas in February 2007, but this was more than three months after a copy of the complaint should have been served on the defendant. In this case, the Court has no alternative but to follow the mandatory requirements of the Rule.

The plaintiffs also contend that they did not receive a copy of the notice of inactivity sent to the parties on June 27, 2007 under Rule 41(e). The time of their notice, however, was almost nine months after the complaint should have been served on the appellant. Additionally, it does not appear in the Court's files that a copy of the notice of inactivity under Rule 41(e) was returned to the Court.

A motion for reargument is a proper device for seeking reconsideration of the trial court's conclusions of law. *Hessler v. Farrell*, 260 A.2d. 701 (Del. 1969). The issues

raised by the plaintiffs/appellants have already been considered by the Court and the plaintiffs' contentions are merely a rehash of arguments made by Plaintiff Shorter before the Court at oral argument. I am satisfied that I correctly apprehended the law and the motion for reargument is denied.

**IT IS SO ORDERED.**

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