

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

MIDDLETOWN SQUARE)	
ASSOCIATES, LLC., a Delaware)	
limited liability company, a subsidiary)	
of Pettinaro Corporation,)	
)	
Plaintiff,)	C.A. No. N10C-04-019 MMJ
)	
v.)	
)	
ROBERT A JASINSKI,)	
)	
Defendant.)	

Submitted: December 13, 2012

Decided: December 19, 2012

On Defendant Robert A. Jasinski's
Motion for Reargument

DENIED

ORDER

Gary A. Bryde, Esquire, Gary A. Bryde, P.A., Hockessin, DE 19707, Attorney for
Plaintiff

Robert A. Jasinski, Defendant, *Pro Se*, Bear, Delaware 19701

JOHNSTON, J.

1. By Memorandum Opinion dated December 4, 2012, the Court granted Plaintiff Middletown Square Associates, LLC's Motion for Summary Judgment, and entered judgment in favor of Plaintiff.

2. Defendant Robert A. Jasinski has moved for reargument. Defendant asserts that the contract underlying the dispute is ambiguous. Therefore, the Court erred by failing to consider extrinsic evidence.

3. The purpose of moving for reargument is to seek reconsideration of findings of fact, conclusions of law, or judgment of law.¹ Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision. "A motion for reargument should not be used merely to rehash the arguments already decided by the court."²

4 The Court has reviewed and considered the parties' submissions. The sole issue raised by Defendant in his Motion for Re-Argument was fully considered and addressed in the Court's December 4, 2012 decision. There is no basis upon which the Court should alter its opinion. Further, the Court did not

¹*Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (1969).

²*Wilmington Trust Co. v. Nix*, Del. Super., 2002 WL 356371, Witham, J. (Feb. 21, 2002); *Whitsett v. Capital School District*, Del. Super., C.A. No. 97C-04-032 Vaughn, J. (Jan. 28, 1999); *Monsanto Co. v. Aetna Casualty & Surety Co.*, Del. Super., C.A. No. 88-JA-118, Ridgeley, P.J. (Jan. 14, 1994).

overlook a controlling precedent or legal principle, or misapprehend the law or the facts in a manner affecting the outcome of the decision.

THEREFORE, Defendant's Motion for Reargument is hereby **DENIED**.

IT IS SO ORDERED.

/s/ *Mary M Johnston*

The Honorable Mary M. Johnston