

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

ASHOK SHAH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 10C-12-188 CLS
	)	
BAVI MOTEL, LLC d/b/a	)	
QUALITY INN,	)	
	)	
Defendant.	)	

**ORDER**

AND NOW, TO WIT, this 5 day of December, 2011, **IT IS**

**HEREBY ORDERED** as follows:

Before the Court is Plaintiff's, Ashok Shah ("Plaintiff") Motion for Default Judgment. Plaintiff filed suit against Defendant, Bavi Motel, LLC, ("Defendant") on January 19, 2011, alleging Discrimination.<sup>1</sup> Defendant was properly served on February 1, 2011. Defendant has not responded to the complaint nor as an attorney entered their appearance on behalf of the Defendant.

Pursuant to Superior Court Civil Rule 9(b), a complaint "which prays for unliquidated money damages, shall demand damages generally without

---

<sup>1</sup> Plaintiff requests an amount of money damages in his Complaint. Compl., ¶ 4.

specifying the amount . . . .” Thus, it is improper for this Court to consider the amount requested in the complaint.

On August 9, 2011, Plaintiff filed a Motion for Default Judgment. Default judgments are governed by Superior Court Civil Rule 55(b) which provides that default judgment may be entered “when a party against whom a judgment for affirmative relief is sought, has failed to appear, plead or otherwise defend.” A return showing Defendant was properly served is a prerequisite to granting default judgment.<sup>2</sup>

Here, default judgment is appropriate. The Defendant was properly served with the complaint and has failed to appear, plead or otherwise defend. An inquisition will be held in this case to determine the proper amount of damages owed to Plaintiff.

**IT IS SO ORDERED.**

/S/CALVIN L. SCOTT  
Judge Calvin L. Scott, Jr.

cc: Prothonotary

---

<sup>2</sup> *Keith v. Melvin L. Joseph Const. Co.*, 451 A.2d 842, 845 (Del. Super. 1982).