

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

RICHARD R. COOCH
RESIDENT JUDGE

NEW CASTLE COUNTY COURTHOUSE
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Re: L&R Saunders Assoc. d/b/a Radiology Professionals v. Bank of America
C.A. No. N11C-09-068-RRC

Notaries of America, Inc. v. Bank of America
C.A. No. N11C-09-069-RRC

L&R Saunders Prof'l Enter. Groups, Inc. d/b/a Nurse Practitioners of America v. Bank of America
C.A. No. N11C-09-070-RRC

L&R Saunders Prof'l Enter. Group, Inc. d/b/a Massage Therapists of America v. Bank of America
C.A. No. N11C-09-071-RRC

National Chiropractic Research Corp. v. Bank of America
C.A. No. N11C-09-072-RRC

Submitted: September 28, 2012
Decided: October 12, 2012

Upon Consideration of Defendant Bank of America's Motion for Reargument.
DENIED.

Dear Counsel:

Pursuant to Superior Court Civil Rule 59(e), Defendant moves for reargument on the Court's September 27, 2012 decision denying Defendant's Motion to Dismiss.

Defendant argues that the Court "misapprehended or misapplied the law . . . in holding that the Court could not determine, based on the present record, when the alleged breach occurred to compute the statute of limitations."¹ Separately, Defendant asserts that the Court misapplied the legal standard in determining whether Plaintiff's fraudulent inducement claim should be dismissed.²

Motions for reargument should be denied where the parties attempt to use reargument to review arguments already decided by the trial court.³ Superior Court Rule 59(e) is not intended to rehash arguments that the Court fully considered in its initial decision.⁴ The Court has previously decided Defendant's motion to dismiss after fully considering the argument in its previous decision. Therefore, Defendant's Motion for Reargument is **DENIED**.

IT IS SO ORDERED.

Separately, I propose the date and time of Tuesday, October, 23 at 10:00 A.M. for a teleconference (which I ask Plaintiffs to originate) to discuss a Trial Scheduling Order.

Richard R. Cooch, R.J.

cc: Prothonotary

¹ Def's M. for Reargument at ¶2.

² *Id.* at ¶8.

³ *Cunningham v. Horvath*, 2004 WL 2191035, at *1 (Del. Super. July 30, 2004).

⁴ *Kennedy v. Invacare Corp*, 2006 WL 488590, at *1 (Del. Super. Jan. 31, 2006).