

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

| | | |
|------------------------|---|-------------------------|
| THEODOCIA BROOKS |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 06A-04-004-PLA |
| |) | |
| CHRISTIANA CARE HEALTH |) | |
| SYSTEM |) | |
| |) | |
| Defendant. |) | |

Submitted: March 14, 2007
Decided: March 30, 2007

UPON PLAINTIFF’S REQUEST FOR A NEW BRIEFING SCHEDULE
DENIED.

This 30th day of March, 2007, it appears to the Court that:

1. On November 21, 2006, the Court sent a letter to the parties indicating that a hearing on Defendant’s motion to dismiss was scheduled for January 17, 2007. The Court also stated that Plaintiff’s response to the motion was due on or before January 5, 2007, and that failure to file a response by that date would be deemed a lack of opposition to the motion.¹ Plaintiff failed to file a timely response to the motion and, therefore, the Defendant’s motion to dismiss was granted as unopposed pursuant to

¹ See Docket 11.

Superior Court Civil Rule 107(b), and Superior Court for New Castle County Civil Case Management Plan § IV.A(3)(b).

2. Plaintiff now requests that the Court issue a new briefing schedule, thereby vacating its order dismissing the case. Plaintiff claims the following:

I never received the Court's briefing schedule until January [2006] as it was mailed to my old address. I moved to my current address on Oct. 26, 2006. I am still receiving my mail from the old address.

[I]t is respectfully requested that the Court issue another briefing schedule so that I can pursue my appeal.²

3. The briefing schedule in this case was issued on May 19, 2006 and, per Plaintiff's letter, she did not move until October 26, 2006. Therefore, the Court fails to see how Plaintiff's move in October in any way affected her ability to receive the initial briefing schedule. As for the Court's letter on November 21, 2006 instructing Plaintiff to respond to Defendant's motion to dismiss, the fact that Plaintiff may have not received it due to her change of address (even though she states in her letter that her mail continues to be forwarded from her old address) does not warrant the reinstatement of this case and the issuing of a new briefing schedule. It is Plaintiff's responsibility to keep the Court informed of any change of

² Docket 13.

address. Plaintiff's decision to now apprise the Court of her new address, five months after the fact, is untimely and unacceptable.

4. Based on the foregoing, Plaintiff's request for a new briefing schedule is **DENIED**.

IT IS SO ORDERED.

Peggy L. Ableman, Judge

Original to Prothonotary

cc: Theodocia Brooks
Anthony M. Frabizzio, Esq.