

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

Grant R. Johnson, : C.A. No. 04-12-0026AP  
 :  
 Plaintiff/Appellee, :  
 :  
 vs. :  
 :  
 Teresa Clark, :  
 :  
 Defendant/Appellant. :

**Upon Defendant's Second Motion for Reargument**

**Submitted: June 10, 2005**

**Decided: June 10, 2005**

**Defendant's Motion is denied.**

Grant R. Johnson, 6284 W. Denney's Road, Dover, Delaware 19901, Pro Se  
Plaintiff/Appellee.

Stephen L. Nowak, Esquire, 22 South Market Street Plaza, P.O. Box 322, Smyrna,  
Delaware 19977, Attorney for Defendant/Appellant.

Trader, J.

In this civil action, the defendant has made a second motion for reargument of the Court's decision of May 10, 2005. On the defendant's first motion for reargument, the court held in its opinion of May 10, 2005 that the motion for reargument was not filed within the allotted time and was therefore time barred. Additionally, the issue raised in defendant's motion for reargument has been thoroughly considered by the Court and has been rejected.

The defendant, Teresa Clark (Clark) now alleges that the motion for reargument was timely filed under Common Pleas Civil Rule 6(e).

Rule 6(e) provides in part as follows:

*Additional time after service by mail.* Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after being served and service is by mail, 3 days shall be added to the prescribed period.

Rule 6(e) relates to a response by a party after being served by mail with a motion from the opposing party. Rule 6(e) does not cover the receipt of a court decision by mail. In fact, Civil Rule 6(b) states that the court may not enlarge the time for filing a motion for reargument under 59(e).

The law is clear, the defendant had 5 days to timely file a motion for reconsideration or reargument. Because the defendant failed to do so, the motion is time barred. *Carriere v. Peninsula Ins. Co.*, 2002 WL 506871 (Del. Super.) *aff'd*, 810 A.2d 349 (Del. 2002).

On the basis of the above conclusions of law the motion for reargument is denied.

**IT IS SO ORDERED.**

---

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