

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

JOSEPH R. SLIGHTS, III
JUDGE

NEW CASTLE COUNTY COURTHOUSE
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February 23, 2012

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**Re: *Simpson v. Coleman*
C.A. No. N11C-04-016 JRS**

Dear Counsel:

On February 13, 2012, plaintiff, Kristyn Simpson, through her attorney, moved for reargument of this Court's order, dated October 20, 2011, denying plaintiff's motion to vacate dismissal.¹ This motion must be denied as untimely filed.²

¹See Plaintiff's Motion for Reargument ¶ 1.

²See Del. Super. Ct. Civ. R. 59 (e) (requiring motion for reargument to be filed within five (5) days of the Court's opinion or decision).

To the extent plaintiff seeks reargument of this Court's order denying her second motion to vacate dismissal, dated February 13, 2012, this motion must be denied as well. The Court's standard of review on a motion for reargument is well-settled:

As this Court recalled in *Monsanto Co. v. Aetna Cas. & Sur. Co.*, reargument will usually be denied unless it is shown that the Court overlooked a precedent or legal principle that would have controlling effect, or that it has misapprehended the law or the facts such as would effect [sic] the outcome of the decision. The Delaware Supreme Court has also stated that motions for reargument should not be used merely to rehash the arguments already decided by the Court.³

Plaintiff has failed to demonstrate that the Court either "overlooked a precedent or legal principle that would have controlling [e]ffect or that it has misapprehended the law or the facts such as would [a]ffect the outcome of the decision."⁴ Instead, Plaintiff has either rehashed arguments made in her initial motions to vacate, or has submitted entirely new arguments not addressed in her previous motions. Neither approach is appropriate on a motion for reargument.⁵ Accordingly, the motion must be **DENIED**.

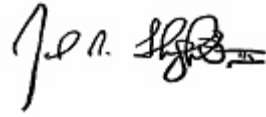
³*Norfleet v. Mid-Atlantic Realty Co., Inc.*, 2001 WL 989085, at *1 (Del. Super Ct. July 31, 2001) (internal quotations and citations omitted).

⁴*Id.*

⁵*Id.*; *Plummer v. Sherman*, 2004 WL 63414, at * 4 (Del. Super. Ct. Jan. 14, 2004) ("Under Delaware law, parties cannot use Rule 59 (a) to raise new arguments.").

IT IS SO ORDERED.

Very truly yours,

A handwritten signature in black ink, appearing to read "J.R. Slights, III". The signature is written in a cursive style with a horizontal line at the end.

Joseph R. Slights, III

JRS, III/sb
Original to Prothonotary