

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

JOELI McCAMBRIDGE,)	
Plaintiff,)	
)	
v.)	C.A. No.: 09C-02-030 FSS
)	E-FILED
SHIRLEY BISHOP and)	
ROMIE DAVID BISHOP,)	
Defendants. ¹)	
)	

ORDER

Upon Defendant, Romie D. Bishop’s “Request to Correct CAPTION AND RE-CONSIDER Appeal from Commissioner’s Findings of Fact, Recommendations and Orders” – DENIED

1. On December 18, 2009, the court dismissed Defendant, Romie D. Bishop’s, appeal from the commissioner’s November 20, 2009 bench ruling.
2. On December 28, 2009, Mr. Bishop filed the above-captioned

¹ The caption is correct. For the caption, a counterclaimant is properly denominated “Defendant.” A defendant’s filing a counterclaim does not make the defendant a “Counter Claim Plaintiff.” While a counterclaim’s nature is offensive rather than defensive, it is part of the answer. It is not a pleading, much less a separate cause of action. *See generally Bernstein v. IDT Corp.*, 582 F. Supp. 1079,1089 (D. Del. 1984) (discussing the federal counterparts to Del.R.Civ.P.7(a), 12(a), and 13(a)).

motion for re-consideration. The motion is a timely motion for reargument.

3. Apart from Mr. Bishop's accusations about the court's alleged "class bias" and other misconduct, the motion for reargument's only point is that "Defendant . . . filed a Motion to Proceed In forma Pauperis."

4. Apparently, Mr. Bishop contends that his having asked to appear *in forma pauperis* means he is entitled to a transcript at taxpayers' expense, upon his demand. The docket, however, does not show that Mr. Bishop has been granted *in forma pauperis* status.

5. Moreover, "a civil litigant does not have an absolute right to be provided with copies of transcript at State expense."² It is one thing to waive filing fees and the like, which the court will do for a litigant who truly cannot afford those costs. It is yet another thing to issue a government check to a court reporter at a disappointed litigant's insistence. This is a civil case and the appeal here was discretionary.

For the foregoing reasons, Defendant, Romie D. Bishop's motion for

²*Lynch v. McCarron*, 1997 WL 33110, at *1 (Del. Supr. Jan. 13, 1997). See also *Jones v. Sopa*, 1998 WL 664964, at *1 (Del. Supr. July 17, 1998).

reargument, as captioned above, is **DENIED**.

IT IS SO ORDERED.

Date: December 30, 2009

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Civil)

pc: Joeli McCambridge, *pro se* (via US Mail)

Shirley Bishop, *pro se* (via US Mail)

Romie Bishop, *pro se* (via US Mail)

Louis J. Rizzo, Esquire (via Lexis E-file)