

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

<b>JOHN M. STULL,</b>	)	
	)	
	)	
Defendant-below Appellant,	)	
	)	
v.	)	<b>C.A. No. 02A-05-005 HLA</b>
	)	
<b>THOMAS S. NEUBERGER, P.A.,</b>	)	
	)	
Plaintiff-below Appellee.	)	

Date Submitted: March 31, 2003  
Date Decided: June 16, 2003

**ORDER**

**UPON DEFENDANT-BELOW APPELLANT'S MOTION TO ALTER AND  
AMEND MEMORANDUM OPINION DATED FEBRUARY 28, 2003**

**DENIED**

John M. Stull, Esq., Wilmington, Delaware, Attorney for Appellant (*pro se*) - Defendant below.

Martin D. Haverly, Esq., Wilmington, Delaware, Attorney for Appellee - Plaintiff below.

**ALFORD, J.**

This 16<sup>th</sup> day of June 2003 upon review of the documents filed by the parties and the record below, it appears to the Court that:

(1) On April 24, 2002, a decision for judgment of \$5,000.00 was entered against Appellant, and judgment in favor of Appellee concerning Appellant's counterclaim in the Court of Common Pleas. This decision was affirmed by the Superior Court on February 28, 2003.

(2) Appellant comes now before the Court in order to alter or amend this Court's February 28, 2003 decision. However, Appellant has only repeated his previous arguments. For example, Appellant argues that there was not substantial evidence to support Appellee's fees for his legal services to Appellant. This contention was made in his appeal of the April 24, 2002 Court of Common Pleas decision.

Further, Appellant again argues that there is not enough evidence to support Appellee's fee for his services as it was a "losing effort" in the Third Circuit. Appellant's assertion that the fees should be dismissed or reduced because of the unsuccessful outcome is without merit. The Court considered all of these arguments in its prior decision and there is no need to revisit them. As such the Motion must be denied.

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For the forgoing reasons the Appellant's Motion to Alter and Amend Memorandum Opinion dated February 28, 2003, is **DENIED**.

**IT IS SO ORDERED.**

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**ALFORD, J.**

Original: Prothonotary's Office - Civil Division