

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

U.S. Bank National :  
Association, as Trustee :  
for J.P. Morgan :  
Mortgage Acquisition Trust :  
2006-ACCI, Asset Backed :  
Pass-Through Certificates :  
Series 2006-ACC1 : C.A.No. N13L-01-020 CHT  
:  
Plaintiff :  
:  
: Sci. Fa. Sur Mortgage  
: Action  
:  
v. :  
:  
Neil Davis :  
:  
Defendant :  
:  
:

ORDER

The Court, having considered the Motion to Strike the Defendant's Answer and Counterclaims, or Alternatively, to Dismiss the Counterclaims or for a More Definite Statement filed by the Plaintiff,

IT IS ORDERED HEREBY this 31st day of July, 2013 that:

1. The Plaintiff's Motion to Strike the Answer and

Counterclaims is **DENIED**. Both pleadings were properly filed with the Court pursuant to Superior Court Civil Rule 5(d). Any argument to the contrary is without merit.

2. The Plaintiff's Motion to Dismiss the Counterclaims is **DENIED**. The Defendant's attempt at service by facsimile transmission is not authorized by Superior Court Civil Rule 5(b) and does not constitute effective service. However, the Defendant is *pro se*, and as such, is entitled to a less stringent technical standard than an attorney.<sup>1</sup> The Court deems it appropriate, under the circumstances, to allow the Defendant an additional sixty (60) days to comply with Superior Court Civil Rule 5(b) regarding service. If service is not effectuated within that period of time or the counterclaim continues to run afoul of Rule 5(b), the matter will be dismissed.

3. The Plaintiff's Motion for a More Definite Statement is **GRANTED**. In its current form, the Defendant's counterclaims consist of generalized

statements of alleged harm and purported wrongful conduct that include no particularized statements of fact and fail to meet the requirements for Superior Court Civil Rule 8. The Defendant is hereby instructed to file a More Definite Statement, pursuant to Superior Court Civil Rule 12(e). He has sixty (60) days to so do. If the statement is not filed within that period of time or the counterclaim continues to run afoul of Rule 8, the matter will be dismissed.

**/S/Charles H.Toliver, IV**

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Toliver, Judge

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<sup>1</sup> *Johnson v. State*, 442 A.2d 1362, 1364 (Del. 1982).