

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

JOSEPH R. SLIGHTS, III
JUDGE

NEW CASTLE COUNTY COURTHOUSE
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July 12, 2010

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**Re: *Yatco v. Nanticoke Memorial Hospital, Inc.*
C.A. No.08C-12-038 JRS**

Dear Counsel:

As you know, the Court has received two letters from Eduardo C. Yatco, M.D., the plaintiff in the above-referenced matter, the first dated June 17, 2010 and the second dated June 28, 2010. In both letters, Dr. Yatco urges the Court to reconsider its decision dated June 10, 2010, granting defendant's motion for summary judgment. To the extent Dr. Yatco intended his letters to make formal motions for re-argument, the motions must be **DENIED**.¹

As stated, the Court's opinion was issued on June 10, 2010. Accordingly, pursuant to Delaware Superior Court Civil Rule 59(e), any motion for re-argument

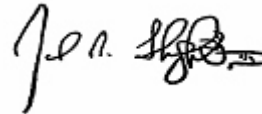
¹ The Court does not typically entertain motions or other applications made directly by represented parties. In this case, however, the Court will address Dr. Yatco's letters so that the record can show that this matter is now formally closed.

of that decision was required to be filed within five days after the filing of the Court's opinion. Pursuant to Delaware Superior Court Civil Rule 6(a), intervening weekends and holidays would not be counted in calculating the five-day deadline because the deadline was less than eleven days. Any motion for re-argument was required to be filed, therefore, on or before June 17, 2010. While Dr. Yatco's letter was dated June 17, 2010, it was not filed and docketed with the Court until June 21, 2010. Consequently, the letter, to the extent it was intended to be a motion for re-argument, was not timely filed.² Needless to say, Dr. Yatco's letter, dated June 28, 2010, likewise is not a timely filed motion for re-argument.

Based on the foregoing, Dr. Yatco's request for re-argument of the Court's June 10, 2010, decision granting defendant's motion for summary judgment must be **DENIED.**

IT IS SO ORDERED.

Very truly yours,



Joseph R. Slights, III

Original to Prothonotary

cc: Eduardo C. Yatco, M.D.

² See *Wilmington Trust Co. v. Thielemann*, 2002 Del. Super. LEXIS 511 (Dec. 17, 2002)(noting that a letter mailed directly to the Court by a *pro se* defendant but not received by the Court until after the filing deadline could not be construed as a timely filed motion for reargument).