

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

ABIGAIL M. LEGROW
JUDGE

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June 19, 2017

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RE: SC&A Construction, Inc. v. Charles Potter, Jr. et al.
C.A. No. N12L-09-022 AML

Dear Counsel,

After oral argument on SC&A Construction Inc.'s motion to enter the arbitration award as a final mechanic's lien judgment, the Court issued its decision on May 31, 2017 (the "Decision"). Defendants timely filed a motion for reargument, alleging the Court misapprehended the facts and law. Plaintiff responded on June 9, 2017.

A motion for reargument will be granted if the Court has "overlooked a controlling precedent or legal principles, or misapprehended the law or facts such as would have changed the outcome of the underlying decision."¹ Movants neither may present new arguments nor rehash those already presented.²

Defendants argue, among other things, that: (1) none of the elements required to obtain a mechanic's lien have been litigated; (2) this Court is required

¹ *Radius Servs., LLC v. Jack Corrozi Const., Inc.*, 2010 WL 703051, at *5 (Del. Super. Feb. 26, 2010).

² *Reid v. Hindt*, 2008 WL 2943373, at *1 (Del. Super. July 31, 2008).

by law to transfer to the Court of Chancery the pleadings the Potters filed; (3) Mr. Potter illegally was ordered to participate in arbitration; (4) no evidentiary hearings were held regarding the court-ordered arbitration; and (5) Judge Silverman's reference to permits, inspections, and certificates of occupancy are the law of the case. The Decision addresses each of the arguments Defendants now raises, and further dilation on those arguments is both unnecessary and contrary to the parties' interests in a speedy resolution of this case. Accordingly, Defendants' Amended Motion for Reargument is **DENIED. IT IS SO ORDERED.**

Yours very truly,



Abigail M. LeGrow, Judge

Original to Prothonotary