

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

Lawrence Dickens,)
)
 Plaintiff,)
)
 v.) C.A. No. N16C-05-255 MMJ
)
 Commissioner Robert Coupe, Bureau)
 Chief Janet Durkee, Support Service)
 Mgr. Tonya Smith and Payroll)
 Supervisor Tera Bench,)
)
 Defendants.)

Submitted: March 19, 2018
Decided: April 3, 2018

On Plaintiff's Motion for Reargument
DENIED

ORDER

Lawrence Dickens, *Pro Se* Plaintiff

Ryan P. Connell, Esq., State of Delaware Department of Justice, Attorneys for Defendants

JOHNSTON, J.

1. By Opinion dated January 10, 2018, the Court dismissed this case as time-barred, and denied as moot Plaintiff's Motion to Amend. The Court found:

Assuming, without deciding, that Dickens' cause of action satisfies the "time of discovery rule," at the very latest, Dickens' claim accrued when he received the letter explaining his reduction in pay on January 29, 2013. Dickens filed his complaint on May 23, 2016. This action is therefore time-barred if Dickens' cause of action is subject to a statute of limitations of three years or less.

2. Plaintiff has moved for reargument. Plaintiff asserts facts not contained in his Complaint or in his Motion to Amend. Namely, Plaintiff contends that the dispute concerning his rate of pay by the Department of Correction continued after he received the January 29, 2013 letter. These post-"time of discovery" events do not alter the Court's conclusion that Plaintiff's claims initially accrued more than 3 months prior to the time the Complaint was filed.

3. The purpose of moving for reargument is to seek reconsideration of findings of fact, conclusions of law, or judgment of law.¹ Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision.² "A motion for reargument should not be used merely to rehash the arguments already decided by the court."³ . To the extent Plaintiff asserts issues

¹*Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969).

²*Ferguson v. Vakili*, 2005 WL 628026, at *1 (Del. Super.).

³*Wilmington Trust Co. v. Nix*, 2002 WL 356371, at *1 (Del. Super.).

that were not raised in the submissions in support of its motion, new arguments may not be presented for the first time in a motion for reargument.⁴

4. The Court has reviewed and considered the parties' written submissions. The Court did not overlook a controlling precedent or legal principle, or misapprehend the law or the facts in a manner affecting the outcome of the decision.

THEREFORE, Plaintiff's Motion for Reargument is hereby DENIED.

IT IS SO ORDERED.



Mary M. Johnston, Judge

⁴*Oliver v. Boston University*, 2006 WL 4782232, at *1 (Del. Ch.).