

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES SUBOLEFSKY,	§
	§
Defendant Below-	§ No. 426, 2002
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
CATHERINE PALESE,	§ C.A. No. 00J-04-041
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 18, 2002

Decided: January 7, 2003

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

**ORDER**

This 7<sup>th</sup> day of January 2003, upon consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record below, the Court finds it manifest on the face of the opening brief that the appeal is without merit. The Superior Court did not abuse its discretion in refusing to reopen the judgment against appellant under Superior Court Civil Rule 60(b).<sup>1</sup> The appellant did not promptly move to reopen the judgment, which was entered by the Justice of the Peace Court in January 2000 and transferred to the Superior Court in April 2000,<sup>2</sup>

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<sup>1</sup> *Wife B. v. Husband B.*, 395 A.2d 358 (Del. 1978).

<sup>2</sup> *Schremp v. Marvel*, 405 A.2d 119, 120 (Del. 1979) (although Rule 60(b) provides no time limit, movant is required to act without “unreasonable delay”).

and his motion to reopen did not set forth “extraordinary circumstances” justifying relief under Rule 60(b).<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Justice

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<sup>3</sup> *Jewell v. Division of Social Servs.*, 401 A.2d 88, 90 (Del. 1979).