## IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICARDO M. PARAS,	§
Plaintiff Below- Appellant,	§ No. 370, 2001 §
V.	<ul> <li>§ Court Below—Superior Court</li> <li>§ of the State of Delaware,</li> </ul>
CORRECTIONAL MEDICAL SERVICES, DR. JAFRI, DR. IVENS, and DR. PENSERGA,	§ in and for New Castle County § C.A. No. 00C-08-104 §
Defendants Below- Appellees.	\$ \$ \$

Submitted: January 10, 2003 Decided: February 10, 2003

Before VEASEY, Chief Justice, WALSH and STEELE, Justices.

## ORDER

This 10<sup>th</sup> day of February 2003, upon consideration of the Superior Court's report following remand and the parties' supplemental briefing, it appears to the Court that:

(1) After considering this appeal on the basis of the briefs and the record below, this Court concluded that we could not conduct a meaningful review of the Superior Court's judgment dismissing Paras' complaint because the rationale for the judgment had been pronounced in open court and the tape of that proceeding was missing and had not been previously transcribed. Accordingly, we remanded

the matter to the Superior Court "to reconstruct at least that part of the missing

transcript containing the rationale for its decision to dismiss" the complaint.

(2) The Superior Court issued its report following remand, which contains

its factual findings and rulings of law. Upon consideration of the Superior Court's

report and the parties' supplemental memoranda, we find it manifest that the

judgment of the Superior Court, which dismissed Paras' complaint against the

corporate and individual defendants for insufficient service of process, should be

affirmed for the reasons set forth in the Superior Court's well-reasoned decision

following remand. Paras did not present any evidence to support a finding that the

person upon whom he served his complaint had authority to accept service of

process for the defendants. The undisputed record, therefore, reflects that Paras

did not properly serve any of the defendants within 120 days of filing his

complaint. Accordingly, the Superior Court did not err in dismissing his

complaint.

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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