

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

Robert L. Smith,)	
)	
Appellant,)	C.A. No. CPU5-15-001365
Plaintiff Below)	
)	
)	
v.)	
)	
Susan Baynard, Donald Baynard,)	
)	
Appellees,)	
Defendants Below.)	

ORDER DISMISSING APPEAL

WHEREAS, the appellant, plaintiff below, commenced the above-captioned civil appeal from an Order of the Justice of the Peace Court; and

WHEREAS, the appellant's appeal constituted an action in replevin, whereby he sought the return of personal property; and

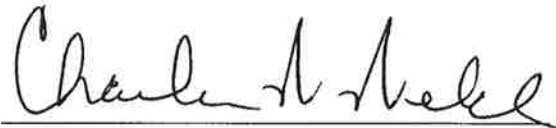
WHEREAS, the appellant failed to list the personal property he sought to recover by replevin in his Complaint; and

WHEREAS, in a Decision and Order dated February 25, 2016, on a Motion to Dismiss filed by the appellees, defendants below, the Court ordered that the appellant file an amended complaint in accordance with Civil Rule 15(aa) within thirty days and that the amended complaint contain a list of the appellant's missing and damaged property, along with its respective value; and

WHEREAS, in its Decision and Order of February 25, 2016, the Court also provided that a failure to comply with the Order to file an amended complaint would result in dismissal of the case; and

WHEREAS, the appellant has failed to comply with the Court's Order of February 25, 2016, by failing to file an amended complaint.

NOW, THEREFORE, IT IS HEREBY ORDERED on this 10th day of June, 2016, that the appeal filed by the appellant, plaintiff below, against the appellees, defendants below, is dismissed with prejudice (1) pursuant to Court of Common Pleas Civil Rule 41(b) for the appellant's failure to prosecute his claim and comply with the orders of the Court to file an amended complaint listing the appellant's missing and damaged property, along with its respective value, and (2) pursuant to Court of Common Pleas Civil Rule 41(e) for the appellant's failure to diligently prosecute his action against the appellees, defendants below.



Charles W. Welch
Judge