



***Thorpe v. Ingram***  
C.A. No.: 97C-02-016 (RBY)  
January 10, 2014

### **SUMMARY**

For the reasons respectively set forth below, Defendants' Motion for Reargument is **DENIED**.

### **STATEMENT OF FACTS**

The facts regarding this matter are contained in the Court's Order of October 22, 2013, and are incorporated herein.

### **STANDARD OF REVIEW**

Pursuant to Civil Rule 59(e), a Motion for Reargument shall be filed within 5 days after service of the decision on which it is based; in which event, to be successful, the moving party must show that the Court has overlooked or misapplied a precedent or legal principles, or misapprehended the facts affecting the outcome.

### **DISCUSSION**

In this Motion, Defendants have attempted to assert, for the first time, that a party is necessary to this action. Plaintiff's position is neither timely raised nor accurate. *Bell vs. Fisher*, 2012 Del. Super. LEXIS 241.

Plaintiff's arguments concerning the merits of the case present nothing which was factual matter, was misapprehended or misapplied. Hence, Defendants' various arguments on these asserted bases are without merit. *Friends of Paladin vs. New Castle County Bd. Of Adjustment*, 2006 Del. Super. LEXIS 434.

Finally, given the filing date of the Court's opinion on October 22, 2013, Defendants had, pursuant to Civil Rule 59(e), the time frame of 10-23, 10-24, 10-25, 10-28, and 10-29 within which to file any Motion for Reargument. Defendants

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failed to comply with that requirement.

**CONCLUSION**

For the foregoing reasons, Defendants' Motion for Reargument is **DENIED**.

**IT IS SO ORDERED.**

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/s/ Robert B. Young

J.

RBY/lmc

oc: Prothonotary

cc: Mr. Primos, Esq.

Mr. & Mrs. Ingram

Opinion Distribution

File