IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEO R. MADDOX,	§	
	§	No. 266, 2013
Plaintiff Below,	§	
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware,
	§	in and for Kent County
MICHAEL ISAACS,	§	C.A. No. K13C-02-026
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: July 29, 2013
Decided: September 10, 2013

Before **BERGER**, **JACOBS** and **RIDGELY**, Justices.

O R D E R

This 10th day of September 2013, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The plaintiff-appellant, Leo R. Maddox, filed an appeal from the Superior Court's April 12, 2013 order granting the motion to dismiss of the defendant-appellee, Michael Isaacs, and its May 7, 2013 order denying Maddox's motion for reargument. Isaacs has moved to affirm the Superior

Court's judgment on the ground that it is manifest on the face of the opening brief that this appeal is without merit.[1] We agree and affirm.

(2) The record before us reflects that, in February 2013, Maddox filed a complaint against Isaacs, a Delaware attorney, arising out of a mortgage loan transaction between Maddox and Central Money Mortgage ("Central") that closed on or about May 7, 1998. Isaacs was the closing attorney on the mortgage loan transaction. The complaint alleged that the mortgage was void because it was obtained through fraud. In March 2013, Isaacs filed a motion to dismiss the complaint as time barred and/or on the ground of failure to state a claim.

(3) The Superior Court heard argument on the motion on April 12, 2013. At the conclusion of the argument, the Superior Court granted Isaacs' motion to dismiss and entered an order of dismissal. On that same date, Maddox filed a motion for reargument, which the Superior Court denied on May 7, 2013. This appeal followed.

(4) In his appeal, Maddox claims that the Superior Court should not have dismissed his complaint. Although it is difficult to understand his argument, we assume he is claiming that the Superior Court abused its discretion and/or erred as a matter of law in its rulings.

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[1] SUPR. CT. R. 25(a).

(5) The record reflects that Maddox did not designate the transcript of the hearing before the Superior Court on Isaacs' motion to dismiss, nor did he attach a copy of the hearing transcript to his appeal papers. Our independent review of the Superior Court docket does not indicate that Maddox requested a copy of the transcript.

(6) This Court is unable to consider Maddox's challenge to the factual findings of the Superior Court in the absence of a transcript of the hearing. The Rules of this Court require an appellant to provide to the Court "such portions of the [hearing] transcript as are necessary to give this Court a fair and accurate account of the context in which the claim of error occurred and must include a transcript of all evidence relevant to the challenged finding or conclusion."[2] Even an appellant who is *pro se*, such as Maddox, is required to make his own financial arrangements to obtain the necessary transcripts.[3] In the absence of a transcript, the Court lacks an adequate basis upon which to review Maddox's claims of error.

(7) Maddox's claim of error with respect to the Superior Court's denial of his motion for reargument is equally unavailing. The proper purpose of a Rule 59(e) motion for reargument is to request the trial court to

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[2] SUPR. CT. R. 14(e); See also SUPR. CT. R. 9(e)(ii).

[3] *Mahan v. Mahan*, 2007 WL 1850905 (Del. June 28, 2007) (Ridgely, J.) (citing *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987)).

reconsider whether it overlooked an applicable legal precedent or misapprehended the law or the facts in such a way as to affect the outcome of the case.[4] This Court reviews a trial court's denial of a motion for reargument for abuse of discretion.[5] Having reviewed the Superior Court's order denying Maddox's motion for reargument in accordance with these standards, we can discern no error or abuse of discretion on the part of the Superior Court.

(8) It is manifest on the face of the opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law, and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

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[4] *Trump v. State*, 2005 WL 583749 (Del. Mar. 9, 2005) (citing *Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969)).

[5] *Parker v. State*, 2001 WL 213389 (Del. Feb. 26, 2001).