

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

SUSSEX COUNTY COURTHOUSE
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RE: *Maureen Jordan and Nina Jordan, a minor, by and through Maureen Jordan, Guardian Ad Litem and Next Friend v. Indian River School District and Lisa A. McVey*, C.A. No. S14C-02-036 RFS

Date Submitted: August 12, 2014

Date Decided: August 12, 2014

Upon Defendants' Motion for Reargument. **DENIED**

Dear Counsel:

The Defendants' Motion for Reargument pursuant to Superior Court Civil Rule 59(e) is **DENIED**. Neither the law nor the facts have been misunderstood; the reargument is simply re-litigating a previously rejected argument that is not appropriate at this juncture.¹

¹ *Wilmington Trust Co. v. Nix*, 2002 WL 356371 at *3 (Del. Super. Feb. 21, 2002) ("A motion for reargument should not be used merely to rehash arguments already decided by the Court.").

Cases of this type presented here are fact intensive. Negligence with a ministerial act or gross negligence with a discretionary act may give rise to responsibility. The Complaint is sufficient for the litigation to proceed normally. Once a fully developed record is made, the subject may be revisited, if indicated, through summary judgment.

Very truly yours,

/s/ Richard F. Stokes

Richard F. Stokes

pc: Prothonotary