IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

BLUE HEN MECHANICAL, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. N10C-04-078 MMJ
v.	)	
	)	
ATLANTIC STATES INSURANCE COMPANY,	)	
	)	
	)	
Defendant.	)	

Submitted: April 20, 2011
Decided: May 16, 2011

On Plaintiff Blue Hen Mechanical, Inc.'s
Motion for Reargument
DENIED

ORDER

Jeffrey M. Weiner, Esquire, Wilmington, Delaware, Attorney for Plaintiff

Colin Shalk, Esquire, Joshua H. Meyeroff, Esquire, Casarino, Christman, Shalk, Ransom & Doss, P.A., Wilmington, Delaware, Attorneys for Defendant

JOHNSTON, J.

1. By opinion dated April 21, 2011, the Court granted defendant Atlantic States Insurance Company's Motion for Summary Judgment, and denied plaintiff Blue Hen Mechanical, Inc.'s Motion for Summary Judgment. The Court found that the underlying complaint failed to set forth any basis by which Blue Hen could be liable for a covered risk. The Court considered the Atlantic policy and the complaint, as well as all reasonable inferences that could be drawn from the facts and allegations set forth in the complaint, and Court held that there was no duty on the part of Atlantic to provide a defense to Blue Hen in the underlying action.

2. Plaintiff has moved for reargument. Plaintiff asserts that the decision of the Supreme Court of South Carolina in *Crossman Communities of North Carolina, Inc. v. Harleysville Mutual Insurance Company*[1], decided January 7, 2011, provides authority that should have been considered by this Court. Plaintiff also submitted an affidavit in support of its Motion. The Affidavit purports to provide facts sufficient to make this case analogous to *Crossman*.

3. The purpose of moving for reargument is to seek reconsideration of findings of fact, conclusions of law, or judgment of law.[2] Reargument usually will

---

[1]2011 WL 93716 (S.C.).

[2]*Hessler, Inc. v. Farrell,* 260 A.2d 701, 702 (1969).

be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision. "A motion for reargument should not be used merely to rehash the arguments already decided by the court."[3]

4. The Court has reviewed and considered plaintiff's submissions. Neither the additional opinion nor the affidavit provide a basis for the Court to alter its opinion. Further, the Court did not overlook a controlling precedent or legal principle, or misapprehend the law or the facts in a manner affecting the outcome of the decision.

THEREFORE, Plaintiff's Motion for Reargument is hereby **DENIED.**

IT IS SO ORDERED.

/s/ Mary M Johnston
The Honorable Mary M. Johnston

[3] *Wilmington Trust Co. v. Nix,* Del. Super., 2002 WL 356371, Witham, J. (Feb. 21, 2002); *Whitsett v. Capital School District,* Del. Super., C.A. No. 97C-04-032 Vaughn, J. (Jan. 28, 1999); *Monsanto Co. v. Aetna Casualty & Surety Co.,* Del. Super., C.A. No. 88-JA-118, Ridgeley, P.J. (Jan. 14, 1994).