

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

JOHN W. NOBLE
VICE CHANCELLOR

417 SOUTH STATE STREET
DOVER, DELAWARE 19901
TELEPHONE: (302) 739-4397
FACSIMILE: (302) 739-6179

February 25, 2015

*Via File&ServeXpress
and First Class Mail*

Mr. Salih Hall
464 Bethune Drive
Dunleith
Wilmington, DE 19801

Mr. Salih Hall
c/o Plummer Work Release Center
38 Todds Lane
Wilmington, DE 19809

Mr. Kevin Howard
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Stuart B. Drowos, Esquire
Roopa Sabesan, Esquire
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801

Re: *Hall v. Coupe*
C.A. No. 10307-VCN
Date Submitted: February 16, 2015

Dear Mr. Hall, Mr. Howard, and Counsel:

A motion for a default judgment has been filed in the above-referenced matter. Although the time allotted for filing an answer has expired, counsel have entered their appearances on behalf of the State Defendants. As a general matter, litigation on the merits instead of entry of a default judgment is the preferred

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method for resolving a case. In this instance, there is a more fundamental problem. By 10 *Del. C.* § 3103(c), service upon the Defendants, who have been sued in their capacity as employees of the State, must be made upon the Attorney General, the Chief Deputy Attorney General, or the State Solicitor. No effort was made to satisfy this requirement. Because the statute was not complied with, service of process has not been completed, and a default judgment may not be entered.

Accordingly, the Motion for Default Judgment is denied.

IT IS SO ORDERED.

Very truly yours,

/s/ John W. Noble

JWN/cap
cc: Register in Chancery-K