

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

JAMES L. MARTIN)	
)	
Plaintiff,)	C.A. No. N13C-01-020 RRC
v.)	
)	
NATIONAL GENERAL)	
ASSURANCE COMPANY)	
)	
Defendant.)	

Submitted: March 9, 2015
Decided: May 14, 2015

Upon Plaintiff James L. Martin's Motion for Reargument.
DENIED.

ORDER

James L. Martin, *pro se*, Wilmington, Delaware.

David C. Malatesta, Jr., Esquire, Wilmington, Delaware, Attorney for Defendant.

COOCH, R.J.

This 14th day of May, 2015 it appears to the Court that:

1. Plaintiff James L. Martin seeks entry of an order granting reargument on Defendant National General Assurance Company's Motion for Costs.¹ This Court entered an order on September 27, 2013 denying Plaintiff's Motion for Partial Summary Judgment and granting Summary Judgment to Defendant. Plaintiff appealed the Order and the Supreme Court of Delaware issued an Order affirming this Court, finding no merit in Plaintiff's

¹ For facts and procedural history not relevant to the instant motion, see *Martin v. Nat'l Gen. Assur. Co.*, 2014 WL 3408674 (Del. Jul. 9, 2014).

arguments on appeal.² On November 3, 2014, this Court issued an order granting in part and denying in part Defendant's Motion for Costs.³ Plaintiff filed the instant Motion for Reargument on November 12, 2014, and also filed a petition for a writ of certiorari from the Supreme Court of Delaware to the United States Supreme Court.⁴ The petition was denied by the United States Supreme Court on March 9, 2015.⁵

2. Rule 59(e) allows a party to file a motion for reargument following a Court opinion or decision and, "[t]he Court will determine from the motion and answer whether reargument will be granted."⁶ Pursuant to Superior Court Civil Rule 59(e), a Motion for Reargument will be denied unless the Court "overlooked a precedent or legal principle that would have controlling effect, or that it has misapprehended the law or the facts such as would affect the outcome of the decision."⁷ A motion for reargument is not the proper vehicle to raise new arguments, nor can a motion for reargument be used to "relitigate old matters."⁸
3. All of the bases set forth by Plaintiff in support of reargument are reiterations of the arguments set forth in Plaintiff's opposition to Defendant's Motion for Costs. As discussed *supra*, motion for reargument is not the proper means to revisit claims already disposed of by this Court.⁹ The Court finds Plaintiff's Motion to be without merit. Therefore, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

Richard R. Cooch, R.J.

oc: Prothonotary

² See *Martin v. Nat'l Gen. Assur. Co.*, 2014 WL 3408674 (Del. Jul. 9, 2014).

³ See *Martin v. Nat'l Gen. Assur. Co.*, 2014 WL 5659411 (Del. Super. Nov. 3, 2014).

⁴ See Sup. Ct. Case No. 590, 2013, D.I. #29 (Oct. 31, 2014).

⁵ See Sup. Ct. Case No. 590, 2013, D.I. #31 (Mar. 12, 2015).

⁶ Super. Ct. Civ. R. 59(e).

⁷ *Monsanto Co. v. Aetna Cas. and Sur. Co.*, 1994 WL 46726, at *2 (Del. Super. Jan. 14, 1994) (quoting *Wilshire Rest. Group, Inc. v. Ramada, Inc.*, 1990 WL 237093, at *1 (Del. Ch. Dec. 27, 1990)).

⁸ See *Plummer v. Sherman*, 2004 WL 63414, at *2 (Jan. 14, 2004).

⁹ See *id.*