

IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR NEW CASTLE COUNTY
COURT NO. 13

STONEBROOK PRESERVATION ASSOCIATES LLC	§	
Plaintiff Below,	§	
Appellee	§	
	§	
VS	§	C.A. No. JP13-17-014691
	§	
	§	
LAKESHIA JOHNSON	§	
TAH-REE BANKS	§	
Defendant Below,		
Appellant		

TRIAL DE NOVO

Submitted: April 23, 2018

Decided: April 26, 2018

APPEARANCES:

STONEBROOK PRESERVATION ASSOCIATES LLC, Plaintiff appeared by and through David C. Zerbato, Esq.

LAKESHIA JOHNSON, Defendant failed to appear

TAH-REE BANKS, Defendant failed to appear

Sean P. McCormick, Deputy Chief Magistrate

Emily A. Ferrell, Justice of the Peace

Gerald Ross, III, Justice of the Peace

IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR NEW CASTLE COUNTY
COURT NO. 13


CIVIL ACTION NO: JP13-17-014691


STONEBROOK ASSOCIATES VS LAKESHIA JOHNSON ET AL


ORDER ON TRIAL DE NOVO

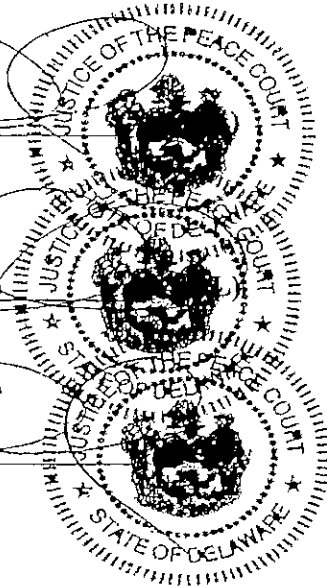
A Trial de *Novo* convened on April 23, 2018 before the Three Judge panel of Deputy Chief Magistrate McCormick, Judge Ferrell and Judge G. Ross on Defendant's appeal of the decision entered March 23, 2018. Plaintiff Stoneybrook Associates appeared by and through David C. Zerbato, Esq. Defendants Lakeshia Johnson and Tah-ree Banks failed to appear. As such, the appeal is dismissed. The previous judgment stands.

IT IS SO ORDERED 26th day of April, 2018


(for) SEAN P. MCCORMICK
Deputy Chief Magistrate


EMILY A. FERRELL
Justice of the Peace


(for) GERALD ROSS, III
Justice of the Peace



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).

IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR NEW CASTLE COUNTY
COURT NO. 13

COURT ADDRESS:
1010 CONCORD AVE
WILMINGTON DE 19802

CIVIL ACTION NO:
JP13-17-014691

STONEBROOK PRESERVATIONS ASSOCIATES, LLC., PLAINTIFF
VS
LAKESHIA JOHNSON, TAH-REE BANKS, CURTISS WILLIAMS, DEFENDANTS

Plaintiff Parties:

ATTORNEY FOR PLAINTIFF
SYSTEM ID: 005671
DAVID C ZERBATO
MICHAEL P. MORTON, P.A.
3704 KENNETT PIKE STE 200
GREENVILLE, DE 19807

PLAINTIFF
SYSTEM ID: @2825908
STONEBROOK
ASSOCIATES LLC
1114 ANDREA COURT
CLAYMONT, DE 19703

PRESERVATION

Defendant Parties:

DEFENDANT
SYSTEM ID: @3025488
LAKESHIA JOHNSON
502 JASMINE COURT
CLAYMONT, DE 19703

DEFENDANT
SYSTEM ID: @3025489
TAH-REE BANKS
502 JASMINE COURT
CLAYMONT, DE 19703

Other Case Parties:

**JUSTICE OF THE PEACE COURT
CIVIL POST- JUDGMENT PROCEDURES
THREE JUDGE PANEL**

[This information is not legal advice and not a substitute for seeking legal advice from an attorney. This information is not binding on the court if incorrect or misunderstood. It relates to frequently asked questions concerning post-judgment procedures but does not address all of the possible procedures and may not apply in your particular case. Forms for these procedures may be obtained from any Justice of the Peace Court civil location. All motions must include the name of the court, the names of the parties, the case number, the date the motion is filed with the Justice of the Peace Court and a title indicating the reason for the motion. Court costs or fees must accompany the motion, unless the person has requested, and the court determined, that the person may proceed in forma pauperis (without paying costs or fees or posting bond because they have no money to pay).]

All payments should be made directly to the prevailing party. The Court does not accept payment on judgments.

Pursuant to 10 Del. C. § 9567(b), prevailing parties are reminded of their duty to file a satisfaction of the judgment within 90 days of payment in full.

FAILURE OF A PARTY TO APPEAR FOR THE PANEL TRIAL

As provided by Justice of the Peace Civil Rule 72.1(f), if the Appellant (the party who requested the appeal trial) or both parties fail to appear for the trial, the judgment of the court below shall stand unless the Appellee appears and has filed a counterclaim.

If the Appellee (the party against whom the appeal was taken) fails to appear and a DEFAULT JUDGMENT is entered, that party may file a Motion To Vacate the judgment pursuant to Justice of the Peace Civil Rule 60. The Motion must show; (1) the Appellee's failure to appear was the result of actions of a reasonably prudent person; and (2) the outcome would be different if the trial were held; and (3) the party that appeared would not be prejudiced by having the trial. The Motion must be filed within 10 days, starting the day after the judgment was signed by the De Novo Panel. **A FEE OF \$15.00 MUST ACCOMPANY THIS MOTION.**

MOTION FOR A NEW TRIAL

Either party has 10 days, starting the day after the judgment was signed by a Judge, to file a Motion For A New Trial as provided under Justice of the Peace Court Civil Rule 59. This Motion shall be in writing and shall briefly and succinctly state the reasons for the request. A Motion For A New Trial will be heard by the Panel of Judges who originally heard the case. The reasons for which a new trial may be granted are limited. For example, the reason given for requesting a new trial may be newly discovered evidence. However, for the Panel to grant a motion for a new trial based upon newly discovered evidence, the party requesting the new trial must show all of the following: (1) the newly discovered evidence is important enough to change the result in the case; (2) the evidence could not have been discovered prior to the original trial with reasonable investigation; and (3) the evidence does not merely repeat or dispute evidence presented in the original trial. **A FEE OF \$15.00 MUST ACCOMPANY THIS MOTION.**