

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CATINA CASTRO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. N17C-05-213 MMJ
	)	
UNIVERSITY OF DELAWARE POLICE,	)	
BAYLOR WOMEN’S CORRECTIONAL	)	
INSTITUTION, and DEPARTMENT OF	)	
LABOR,	)	
	)	
Defendants.	)	

Submitted: June 20, 2018  
Decided: June 25, 2018

On Defendants Baylor Women’s Correctional Institution  
and Department of Labor’s Motion to Dismiss  
**GRANTED**

On Defendant University of Delaware Police Department’s  
Motion to Dismiss  
**GRANTED**

**ORDER**

Plaintiff filed her Complaint on May 15, 2017. Defendants filed two Motions to Dismiss. The Court heard argument on June 20, 2018.

(1) Plaintiff’s personal injury claims against Defendant Baylor Women’s Correctional Institution<sup>1</sup> arise from incidents allegedly occurring between April 2014 and May 2014. The applicable statute of limitations for personal injury actions is two

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<sup>1</sup>The correct party is the Delaware Department of Correction.

years.<sup>2</sup> Having been filed more than two years following the latest date of the incidents, the Court finds that the personal injury claims are hereby barred by the statute of limitations and the Court lacks subject matter jurisdiction.

(2) Plaintiff's claims against the Department of Labor allege that she was denied unemployment benefits. The Unemployment Insurance Appeal Board ("UIAB") issued its decision on January 23, 2012. The time within which UIAB decisions must be appealed to this Court lapsed in 2012.<sup>3</sup> Plaintiff did not appeal. The time for appeal having passed, the Court finds that it lacks jurisdiction to address Plaintiff's claims against the Delaware Department of Labor.

(3) Plaintiff alleges false arrest against the University of Delaware Police. The arrests at issue occurred on April 30, 2014 and August 4, 2014. The applicable limitations period is two years.<sup>4</sup> The Complaint having been filed more than two years after the alleged false arrests, the Court finds that it lacks subject matter jurisdiction because the claims are barred by the two-year statute of limitations.

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<sup>2</sup>10 *Del. C.* §8119.

<sup>3</sup>10 *Del. C.* §3323(a) (10-day period for review to Superior Court).

<sup>4</sup>10 *Del. C.* §8119.

All claims against all Defendants having been dismissed as barred by the relevant statutes of limitations, the Court need not address the parties' remaining arguments.

**THEREFORE**, Defendants Baylor Women's Correctional Institution and Department of Labor's Motion to Dismiss is hereby **GRANTED**. Defendant University of Delaware Police Department's Motion to Dismiss is hereby **GRANTED**.

**IT IS SO ORDERED.**



The Honorable Mary M. Johnston