

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PATRICIA O’ROURKE,)
)
Plaintiff,)
)
v.)
)
PNC BANK, MATCH GROUP, INC.,)
LEAF OF LIFE COVENANT)
MINISTRY INC., HAJIA LAMPO,)
LAWANDA WILLIAMS,)
EUROSTAR LUXURY MOTORS,)
ALVANNDY VENTURES, and JOHN)
DOE)
)
Defendants.)

C.A. No. N20C-08-064 JRJ

Date Submitted: March 16, 2021
Date Decided: March 22, 2021

ORDER

Upon consideration of Plaintiff Patricia O’Rourke’s Motion Pursuant to Rule 55(b)(2) for Entry of Default Judgment (“Motion”) filed against Defendant PNC Bank,¹ **IT APPEARS THAT:**

1. On August 10, 2020, Plaintiff filed her Complaint.² In Count II of the Complaint, Plaintiff alleges that PNC Bank violated the Currency and Foreign Transactions Reporting Act of 1970 by failing to file suspicious activity reports

¹ Mot. Pursuant to Rule 55(b)(2) for Entry of Default J. (Trans. ID. 66385842).

² Compl. (Trans. ID. 66385842).

despite its suspicion that Plaintiff was being criminally exploited in connection with her requests to initiate wire transfers.³ According to Plaintiff, “[a]s a direct result of PNC’s actions or lack thereof, Plaintiff has suffered the loss of close to \$250,000.00 . . . and has also endured the emotional toll engendered by the abuse of her trust . . . by PNC”⁴

2. On September 30, 2020, a Deputy Sheriff of the New Castle County Sherriff’s Office served a copy of the Summons and the Complaint on PNC Bank.⁵ On October 5, 2020, proof of service was filed.⁶

3. PNC Bank’s response to the Complaint was due on October 20, 2020.⁷ To this day, PNC Bank has not filed a response, nor has it otherwise appeared in the action.

4. On March 16, 2021, Plaintiff filed the instant Motion asking the Court to enter default judgment against PNC Bank and to schedule an inquisition hearing to determine the amount of damages owed.⁸

5. Pursuant to Superior Court Civil Rule 55(b), default judgment may be entered “when a party against whom a judgment for affirmative relief is sought, has

³ *Id.* at 13–15, ¶¶ 33–38.

⁴ *Id.* at 15, ¶ 39.

⁵ Sherriff’s Return (Trans. ID. 65987963).

⁶ *Id.*

⁷ *See* Super. Ct. Civ. R. 12(a) (“A defendant shall serve an answer within 20 days after service of process, complaint and affidavit . . .”).

⁸ Mot. Pursuant to Rule 55(b)(2) for Entry of Default J. (Trans. ID. 66385842).

failed to appear, plead or otherwise defend as provided by the Rules”⁹ Default judgment may not be entered “against an infant or incompetent person unless represented in the action by a guardian, trustee or other representative.”¹⁰ Only the Court may enter default judgment if the plaintiff’s claim against a defendant is not for a sum certain or a sum that can be made certain by computation.¹¹ The Court may hold an inquisition hearing “[i]f, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter.”¹²

6. Here, PNC Bank has failed to respond to Plaintiff’s Complaint pursuant to Superior Court Civil Rule 12(a). PNC Bank is neither an infant nor an incompetent person. Plaintiff’s claim against PNC Bank is not for a sum certain or a sum that can be made certain by computation. Accordingly, the Court will enter

⁹ Super. Ct. Civ. R. 55(b).

¹⁰ Super. Ct. Civ. R. 55(b)(2).

¹¹ See Super. Ct. Civ. R. 55(b)(1).

¹² Super. Ct. Civ. R. 55(b)(2).

default judgment against PNC Bank and hold an inquisition hearing to determine the amount of damages owed.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff Patricia O'Rourke's Motion Pursuant to Rule 55(b)(2) for Entry of Default Judgment against Defendant PNC Bank is **GRANTED**.

IT IS SO ORDERED.

Jan R. Jurden

Jan R. Jurden, President Judge

cc: Prothonotary