

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF  
DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

WAYNE ROANE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No.: CPU4-19-004605
	)	
ROBIN DRIVE AUTO, LLC AND	)	
DAVID DIMEGLIO,	)	
	)	
Defendants.	)	

Elizabeth C. Rowe, Esq.  
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Delaware, Inc.  
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*Attorney for Defendants*

**ORDER**

AND NOW, this 22<sup>nd</sup> day of June 2021, the Court has reviewed and considered Defendants’ Motion to Vacate Entry of Default Judgment in the above caption matter.


Although there was some confusion regarding the Default Judgment filed and entered on October 23, 2020, but not actually docketed until December 17, 2020, the Court is satisfied that Defendants’ counsel did not enter his appearance until November 16, 2020 —11 months after the Complaint was filed and 12 days after the

41E letter was filed. Therefore, the Court finds that the Default Judgment was proper.

Based on the record and Defendants' Motion to Vacate Entry of Default Judgment, the Court finds that, under Court of Common Pleas Rule 60, Defendants have failed to establish excusable neglect.

Accordingly, Defendants' Motion to Vacate Entry of Default Judgment is DENIED.

**IT IS SO ORDERED.**

  
Bradley V. Manning,  
Judge

cc: Ms. Patricia Thomas, CCP Civil Case Manager