

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ZURICH AMERICAN INSURANCE)
COMPANY and AMERICAN)
GUARANTEE AND LIABILITY)
COMPANY,)

Plaintiffs,)

v.)

SYNGENTA CROP PROTECTION,)
LLC,)

Defendant.)

C.A. No. N19C-05-108 MMJ CCLD

Submitted: August 19, 2021
Decided: September 15, 2021

On Plaintiff's Motion for Reargument
DENIED

ORDER

JOHNSTON, J.

1. The Court heard oral argument on Plaintiffs' Motion to Compel. At the conclusion of the argument, the Court reviewed its prior opinion on the related issue and found that certain documents must be produced. The Court's ruling is set forth in the transcript dated August 5, 2021.

2. Plaintiffs have moved for reargument. Defendants request that the Court expand the scope of the August 5, 2021 ruling. Plaintiffs concede that their Motion to Compel did not address certain facts supporting the application for expansion. Defendant opposes Plaintiffs' Motion for Reargument.

3. The purpose of moving for reargument is to seek reconsideration of findings of fact, conclusions of law, or judgment of law.¹ Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision.² "A motion for reargument should not be used merely to rehash the arguments already decided by the court."³ To the extent Plaintiffs have asserted issues that were not raised in the submissions in support of their Motion to Compel,

¹ *Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (Del. 1969).

² *Ferguson v. Vakili*, 2005 WL 628026, at *1 (Del. Super.).

³ *Wilmington Trust Co. v. Nix*, 2002 WL 356371. At *1 (Del. Super.).

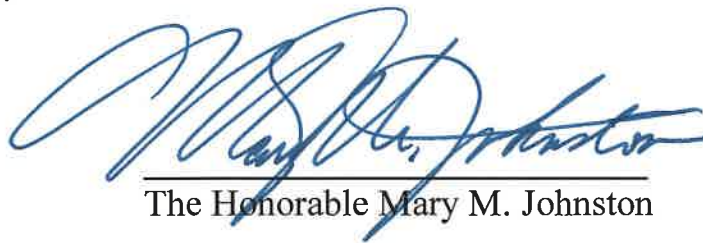
new arguments may not be presented for the first time in a motion for reargument.⁴

A court cannot “re-weigh” evidence on a motion for reargument.⁵

4. The Court has reviewed and considered the parties’ written submissions and arguments. The Court did not overlook a controlling precedent or legal principle, or misapprehend the law or the facts in a manner affecting the outcome of the decision.

THEREFORE, Defendants’ Motion for Reargument is **DENIED**.

IT IS SO ORDERED.



The Honorable Mary M. Johnston

⁴ *Oliver v. Boston University*, 2006 WL 4782232, at *1 (Del. Ch.).

⁵ *Manichean Capital, LLC v. Sourcehov Holdings, Inc.*, 2020 WL 11660067, at *3 (Del. Ch.).