

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

AMERICAN INDEPENDENT)
INSURANCE COMPANY,)
)
Respondent/Appellant,)
)
)
v.)
)
JAMES GILMORE, III,)
)
)
Claimant/Appellee,)
)
)

C.A. No. N23A-11-003 CEB

ORDER

This 25th day of June 2024, the Court enters the following Order:

1. This is a *de novo* appeal from an arbitration ruling of the Delaware State Insurance Commissioner’s office. The arbitration award favored the claimant and the insurance company filed the notice of appeal in this Court 33 days after the issuance of the award.
2. After the notice of the appeal was received by the claimant, he filed an “answer” to the appeal notice, stating his “confusion” over the fact that it was filed 33 days after the award. The time for filing such an appeal is 30 days after the date of the award. He requested that the Court dismiss the appeal. The Court will construe this “answer” as a motion to dismiss.

3. Time is computed according to Delaware Superior Court Rule of Civil Procedure Rule 6. The date of the award – October 12, 2023, is not counted. 30 days from October 13, 2023, was November 12, 2023, which was a Sunday. The notice of appeal was filed on November 13, 2023, the first day the Prothonotary was open following expiration of the 30-day period in which to file an appeal.

Under Superior Court Civil Rule 6, the appeal was filed timely.

IT IS SO ORDERED.

/s/ Charles E. Butler
Charles E. Butler, Resident Judge