

**IN THE JUSTICE OF THE PEACE COURT NO. 16
OF THE STATE OF DELAWARE IN AND
FOR KENT COUNTY**

SKY MANAGEMENT LLC,

Defendant Below,
Appellant,

v.

SHATON THOMPSON,

Plaintiff Below,
Appellee.

C.A. No. JP16-24-004422

TRIAL DE NOVO PANEL

Sky Management LLC, Defendant /Appellant is represented by Donald L. Gouge, Jr., Esquire.

Shaton Thompson, Plaintiff /Appellee is represented by Erika Y. Tross, Esquire.

ORDER

Murray, J
Dillard, J
Smith, J

(1) On January 15, 2025, this Court, consisting of the Honorable James A. Murray, the Honorable Dwight D. Dillard and the Honorable Judy Smith, acting as a special court pursuant to 25 *Del. C.* § 5717(a) conducted a review of the pleadings and appeal *sua sponte*¹ in reference to a Landlord/Tenant Summary Possession petition filed by Shaton Thompson, (hereinafter referred to as Plaintiff), against Sky Management LLC, (hereinafter referred to as Defendant). This *De Novo* Court remanded this matter back to the Court below for clarification of its Order dated November 22, 2024, in order to determine if this Court held jurisdiction to hear Appellant's appeal.²

(2) The Court below issued a supplemental Order on February 3, 2025, which states in part: "This Court concludes, as to subject matter jurisdiction, the case in chief is a debt action, filed by the tenant-petitioner, resulting from a landlord-tenant dispute between the parties. There was no issue of possession/summary possession upon which the Court would have ruled in the original suit."³

¹ *Sua Sponte*: Of his or its own will or motion; Black's Law Dictionary 1424 (6th ed. 1990).

² *Thompson v. Sky Management LLC*, Del. J.P., C.A. No. JP16-24-004422, Alston-Jackson, J. (Nov. 22, 2024).

³ *Thompson v. Sky Management LLC*, Del. J.P., C.A. No. JP16-24-004422, Alston-Jackson, J. (Feb. 3, 2025).

(3) Justice of the Peace Court Civil Rules 72 and 72.1 provide two avenues in which appeals are taken after entry of final judgment in the Justice of the Peace Court. First, as a general rule, appeals are taken to the Court of Common Pleas (J.P. Civ. R. 72). Secondly, appeals in summary possession cases are taken to a three-judge panel (J.P. Civ. R. 72.1).⁴

(4) Whereas possession was not at issue in the trial below and is not an issue in their appeal, this *De Novo* Court lacks jurisdiction to hear Appellant's appeal. Jurisdiction for this appeal falls within the jurisdiction of Court of Common Pleas.

(5) Based on the foregoing, the "STAY" is hereby **LIFTED** and the *De Novo* appeal is hereby **DISMISSED WITH PREJUDICE** for lack of jurisdiction.

IT IS SO ORDERED this 4th day of **February, 2025**.

FOR THE COURT.

James A. Murray (SEAL)

Judge James. A. Murray

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⁴ In a previous three-judge panel decision, *Bowers v. Bowers*, the Court addressed the jurisdictional question for appealing cases involving possession and those which do not. The *Bowers* Court stated in pertinent part: "...[T]he Court has traditionally interpreted this to mean that appeals to a 3-judge panel are permissible only where there has been an adjudication on the merits of the question of **possession** [emphasis added] of the rental unit. Where the issue of possession is not in question, such as here where an ancillary post judgment motion is being appealed, the Court has no jurisdiction." See *Bowers v. Bowers*, Del. J. P., C. A. No. JP16-16-000068, Hutchison, J., Sherlock, J., Dillard, J. (Sept. 16, 2017).