

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ROBERT BOVELL,)
)
 Plaintiff,)
)
 v.) C.A. No. N24C-10-240 CLS
)
 ALLSTATE INSURANCE, BRIANNA)
 HERNANDEZ-CUEVAS,)
)
 Defendants.)

Submitted: April 16, 2025
Decided: April 22, 2025

ORDER

Having considered Defendant Brianna Hernandez-Cuevas’ (“Defendant”) Motion to Dismiss, and Plaintiff Robert Bovell’s Response to the Motion, it appears to the Court the following:¹

1. This case stems from a motor vehicle accident.² The incident occurred on October 20, 2022, and was reported to the Wilmington Police Department on the same day.³

¹ The facts described here are drawn from the Complaint and all documents the parties incorporated by reference. The Court accepts those facts solely for the purpose of ruling on the Motion.

² See Complaint Filed on October 17, 2024, D.I. 1.

³ Motion to Dismiss ¶ 2, D.I. 13.

2. Defendant now moves for dismissal, arguing that Plaintiff fails to initiate the action within the two-year statute of limitations period.⁴ Specifically, that the Complaint bears an electronic stamp showing “EFiled: October 22, 2024” on the top right of the document.⁵

3. The Complaint was filed within the statute of limitations period. Not only was the praecipe physically stamped by the Prothonotary confirming it was received and filed on October 17, 2024,⁶ it was also noted as “COMPLAINT FILED ON OCTOBER 17, 2024” on File and Serve.⁷

4. Therefore, Defendant’s Motion to Dismiss is **DENIED**.

IT IS SO ORDERED.

/s/ Calvin L. Scott
Judge Calvin L. Scott, Jr.

⁴ *Id.* ¶ 5.

⁵ *See* Defendant’s Letter to the Court, D.I. 19.

⁶ *See* Praecipe, D.I. 3. Even though there is a “Corrected Praecipe Filed on October 23, 2024,” it has no impact on the original filing date. D.I. 7.

⁷ *See* Complaint Filed on October 17, 2024, D.I. 1.