

SUPERIOR COURT
OF THE
STATE OF DELAWARE

JEROME O. HERLIHY
JUDGE

DANIEL L. HERRMANN
COURT HOUSE
WILMINGTON, DE 19801-3353

Submitted: August 20, 2001
Decided: August 30, 2001

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RE: *Manley v. Associates in obstetrics & Gynecology, P.A., et al.*
C.A.No. 00C-06-049-JOH
Defendants' Motion for Reargument and Clarification - DENIED

Counsel:

Defendants have moved to reargue this Court's July 27, 2001 decision ruling on a number of their motions. There were six. The defendants seek to reargue this Court's decision concerning civil conspiracy and the applicability of the Wage Payment and Collection Act.

The basis for their motion, as it relates to the decision on civil conspiracy, is a repeat of their original argument. They offer nothing new. The Court will not consider reargument which is only a rehash of earlier arguments.¹ The Court, therefore, sees no reason to change its earlier ruling on this subject.

¹*Miles, Inc., v. Cookson America, Inc.*, Del.Ch., 677 A.2d 505, 506 (1995).

The defendants seek reargument on the Wage Payment and Collection Act.² Most of what they now contend was argued and considered before. The defendants then and now dispute whether the payments owed to plaintiff Dr. Manley are compensation due her within the provisions of that Act. Again, the Court will not consider trod-over arguments. Since the Court decided the payments due her fall within the provisions of the Act, the remedial relief provisions are triggered. That is all the Court decided. Whatever is the remedial amount due is to be sorted out later.

But, the defendants argue that there are inconsistencies between that portion of the opinion holding the Act's provisions applied and what it said in its "Conclusion" section. The defendants moved to have this Court hold the Act inapplicable. That motion was denied. This Court held, as part of ruling on the parties' six motions, that Dr. Manley was owed \$145,000. It is this sum of money which the defendants argued was not encompassed within any part of the Act. But, the defendants have now paid it. Dr. Manley had to file this suit to get it. Whatever label is used, the money due is included within the Act, thus, triggering the relief portions of the Act. The Court sees nothing inconsistent in its earlier decision.

CONCLUSION

For the reasons stated herein, the defendants motion for reargument and clarification is **DENIED**.

IT IS SO ORDERED.

Sincerely,

JOH/bsb
Enclosure
Original to Prothonotary

²19 *Del.C. §1101, et seq.*