

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CHRISTOPHER ELLINGTON,)
)
Plaintiff,)
)
v.) C.A. No: S25C-07-014 MHC
)
OAK VIEW GROUP, LLC, MIKE)
BORIS, KYLE LANGSNER, and)
PETER GARDNER,)
)
Defendants.)
)

ORDER

Submitted: April 20, 2026

Decided: June 12, 2026

*Upon Consideration of Plaintiff's Motion for Default Judgment against Oak View Group, LLC and Mike Boris, **DENIED.***

Christopher Ellington, *Pro se.*

Rochelle Gumapac, Esquire, and Sean A. Elman, Esquire, White and Williams, LLP, Wilmington, Delaware, *Attorneys for Defendants for Oak View Group, LLC, and Mike Boris.*

Joseph E. Brenner, Esquire, and Michael C. Heyden, Jr., Esquire, Gordon, Rees, Scully, Mansukhani, LLP, *Attorneys for Defendants for Kyle Langsner and Peter Gardner.*

CONNER, J.

Before the Court is Christopher Ellington’s (“Plaintiff”) Motion for Default Judgment against Oak View Group, LLC, and Mike Boris (collectively, “Defendants”). Plaintiff filed a Motion for Default Judgment on October 20, 2025.¹ However, Notice was not filed. Instead, Plaintiff filed a Notice of his appeal to the Supreme Court.² On April 9, 2026, Plaintiff filed a motion for hearing on pending default, for clarification of procedural posture, and for trial scheduling.³ Rochelle Gumapac, Esquire entered her appearance for Defendants, and filed Defendants’ Response to Plaintiff’s Motion for Default Judgment on April 20, 2026.⁴ Upon consideration of the Motion for Default Judgment, it appears to the Court that:

1. Plaintiff requests the Court to issue an Order granting the Motion for Default Judgment that was filed on October 20, 2025, against Defendants.
2. Defendants filed their Response, arguing that Plaintiff did not comply with the service requirements, and therefore, the claims against Defendants should be dismissed.

¹ Pl.’s Mot. for Default J., D.I. 25.

² Pl.’s Notice of Appeal to Supreme Court, D.I. 25.

³ Pl.’s Mot. for Hearing, D.I. 39.

⁴ Defs.’ Resp. to Pl.’s Mot. for Default J., D.I. 41.

3. In the Praecipe, Plaintiff requested that the Prothonotary issue a long arm Summons to Oak View Group, LLC and Mike Boris at an address in Philadelphia, Pennsylvania.⁵
4. The Delaware Long Arm Statute is outlined in 10 *Del. C.* § 3104. Under the Long Arm Statute, out of state service may be made:
 - (1) By personal delivery in the manner prescribed for service within this State;
 - (2) In the manner provided or prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;
 - (3) By any form of mail addressed to the person to be served and requiring a signed receipt; [or]
 - (4) As directed by a court.⁶
5. Furthermore, “[w]hen service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court.”⁷
6. In the present case, Plaintiff asked the Prothonotary to issue a Summons to 1406 S. Front St., Philadelphia, PA 19147.
7. Defendants argue that Plaintiff has failed to effectuate service for a few reasons. First, the address on the Summons does not match the address where Plaintiff mailed the Complaint. Second, Plaintiff has not provided a return receipt signed by the Defendants. Third, Plaintiff did

⁵ Praecipe, D.I. 1.

⁶ 10 *Del. C.* § 3104(d).

⁷ 10 *Del. C.* § 3104(e).

not mail the Complaint to the location of the Defendants' registered agent, or the location where Defendants authorized service of process to be effectuated.

8. Under Delaware Rules for Civil Procedure, a plaintiff has 120 days upon filing a complaint to effectuate service.⁸ Plaintiff filed the Complaint on July 17, 2025. Therefore, Plaintiff had until November 14, 2025, to effectuate service.
9. The Court will analyze the manner in which Plaintiff attempted to serve Defendants, and whether it complies with Delaware's Long Arm Statute.

The First Prong: Whether Service Was Effectuated in the Manner Prescribed for Within the State of Delaware

10. Plaintiff did not effectuate service “[b]y personal delivery in the manner prescribed for service within this State.”⁹
11. Delaware Civil Rule 4(d) states that “[s]ervice of process shall be made by the sheriff to whom the writ is directed.”¹⁰
12. Plaintiff sent the Complaint by mail and did not use a sheriff.

⁸ Del. Super. Ct. Civ. R. 4(j).

⁹ 10 *Del. C.* § 3104(d)(1).

¹⁰ Del. Super. Ct. Civ. R. 4(d).

13. Therefore, the service of process was not effectuated in the manner prescribed for service within the State of Delaware.

The Second Prong: Whether Service Was Effectuated in the Manner Provided or Prescribed by the Law in Pennsylvania

14. Plaintiff did not effectuate service “[i]n the manner provided or prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction.”¹¹
15. As aforementioned, Plaintiff asked the Prothonotary to issue a Summons to an address in Pennsylvania. Therefore, Plaintiff would have had to comply with Pennsylvania’s Rules of Civil Procedure.
16. Pennsylvania Rules of Civil Procedure state that original process may be served: (1) “within the county by the sheriff or a competent adult,”¹² or (2) “in any other county by deputized service as provided by Rule 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made.”¹³

¹¹ 10 *Del. C.* § 3104(d)(2).

¹² 231 *Pa. C. R.* 400.1(1).

¹³ 231 *Pa. C. R.* 400.1(2).

17. Plaintiff did not use a sheriff to effectuate service. Plaintiff sent the Complaint through mail. Therefore, Plaintiff did not comply with Pennsylvania's Rules of Civil Procedure for effectuating service.
18. It is also worth noting, however, that Pennsylvania Rules of Civil Procedure state: "[i]f a rule of civil procedure authorizes original process to be served by mail, a copy of the process shall be mailed to the defendant by any form of mail requiring a receipt signed by the defendant or his authorized agent."¹⁴
19. However, as aforementioned, Pennsylvania generally requires a sheriff to effectuate service. There is no evidence that a rule of civil procedure authorizes Plaintiff to serve Defendants by mail. Even so, Plaintiff has not produced a receipt signed by Defendants or an authorized agent.
20. Therefore, Plaintiff has not effectuated service in accordance with Pennsylvania's Rules of Civil Procedure.

Third Prong: Whether Service Was Sent Through Mail as Permitted by the Long Arm Statute

21. The Long Arm Statute allows service to be made "[b]y any form of mail addressed to the person to be served and requiring a signed receipt."¹⁵

¹⁴ 231 Pa. C. R. 403.

¹⁵ 10 Del. C. § 3104(d)(3).

22. The Praecipe directed the Prothonotary to issue a Summons to Mike Boris and Oak View Group, LLC, at 1406 S. Front St., Philadelphia, PA 19147.
23. While there is evidence that Plaintiff sent mail to this address, Plaintiff also sent mail to two other locations. The certified mail receipts from the U.S.P.S. show that Plaintiff sent mail to Oakview Group, LLC at 5050 S. Syracuse St., Suite 800, Denver, CO 80237.¹⁶ Additionally, Plaintiff sent mail to Mike Boris at 150 Rouse Blvd, Philadelphia, PA 19112.¹⁷ Neither of these addresses were listed on the Praecipe.
24. Plaintiff produced a copy of his personal receipt from U.S.P.S., where he wrote, “corporate office accepted service” for the mail sent to Denver, Colorado.¹⁸ He also attached a copy of the U.S.P.S. tracking information, which states that his item was delivered to the front desk, reception area, or mail room on September 24, 2025, in Denver, Colorado.¹⁹
25. As aforementioned, the address in Denver, Colorado was not listed on the Praecipe.

¹⁶ Pl.’s Mot. for Default J., D.I. 25, at 8.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 7.

26. Additionally, Plaintiff has not produced a signed receipt from Defendants or Defendants' registered agent. It is immaterial that the U.S.P.S. tracking information states that the mail was delivered. Plaintiff did not produce a signed return receipt for any of the aforementioned addresses, and the address listed in Colorado was not provided in the Praeceptum issued to the Prothonotary.
27. Therefore, Plaintiff has not complied with the requirements for service to be made by mail under Delaware's Long Arm Statute.
28. Furthermore, Delaware Civil Rule 4(h) states that if service of process is secured pursuant to the Long Arm Statute:
- [t]he defendant's return receipt and the affidavit of the plaintiff or the plaintiff's attorney of the defendant's nonresidence and the sending of a copy of the complaint with the notice required by the statute shall be filed as an amendment to the complaint within 10 days of the receiving by the plaintiff or the plaintiff's attorney of the defendant's return receipt²⁰
29. Plaintiff has not filed the return receipt, or an affidavit as an amendment to the Complaint. Therefore, Plaintiff has not complied with the Superior Court's Rules of Civil Procedure.

²⁰ Del. Super. Ct. Civ. R. 4(h).

Fourth Prong: Whether Service Was Effectuated as Directed by the Court

30. The fourth prong of Delaware’s Long Arm Statute allows service as directed by the Court.
31. The Court has not directed Plaintiff to effectuate service in any manner other than what is required under Delaware’s Rules of Civil Procedure.

Actual Notice is Not Sufficient to Effectuate Service

32. Although actual notice may be sufficient under certain circumstances, it is insufficient to effectuate service under Delaware law.
33. Superior Court Civil Rule 12(b)(5) requires dismissal of a claim for insufficient service of process. Delaware courts have held that “[i]t is fundamental that the Court only may exercise personal jurisdiction over a defendant when service is properly effected, regardless of whether or not actual notice is achieved.”²¹
34. Delaware’s Long Arm Statute requires a signed return receipt from the defendant(s), which Plaintiff has not provided.
35. Under Delaware law, “[t]he plaintiff bears the burden of demonstrating that service of process was effective.”²² Delaware courts have also held that “[t]here is no lower standard for a self-represented litigant in

²¹ *Thomas v. Nationstar Mortg., LLC*, 2015 WL 5766775, at *2 (Del. Ch. 2015), *adopted*, (Del. Ch. 2015).

²² *Id.*

establishing jurisdiction.”²³ Sometimes courts hold pro se litigants to “a somewhat less stringent technical standard than those drafted by lawyers,” however, “this leniency does not extend to the constitutional requirements of personal jurisdiction.”²⁴

Conclusion

36. The Court dismisses Plaintiff’s claims against Defendants for failure to serve process in accordance with the Superior Court Civil Rules. For these reasons, Plaintiff’s Motion for Default Judgment against Defendants Oak View Group and Mike Boris is **DENIED**. Defendants’ application that the claims be dismissed is **GRANTED**.

IT IS SO ORDERED.

/s/ Mark H. Conner

Mark H. Conner, Judge

oc: Prothonotary
Christopher Ellington, 23461 Woods Drive, Lewes, DE 19958

²³ *Id.*

²⁴ *Id.*