

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

ALL RESTORED INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. N25L-08-005 SSA
	)	
CHRISTINE ORZECOWSKI,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

Submitted: August 5, 2026
Decided: August 20, 2026

On Defendant's Motion to Reopen Proceedings

Delaware favors hearing matters on the merits. But the law does not permit a litigant to ignore the process. Mindful that this Defendant is a *pro se* litigant, this Court has sought to afford her an opportunity to be heard. However, “[t]here is no different set of rules for *pro se* plaintiffs, and the trial court should not sacrifice the orderly and efficient administration of justice to accommodate an unrepresented plaintiff.”¹

Procedural History

A Complaint was filed on August 1, 2025, in this matter.² On August 27, 2025, the Sheriff indicated that Ms. Christine Orzechowski, the Defendant, had been

¹ *Draper v. Med. Ctr. of Del.*, 767 A.2d 796, 799 (Del. 2001).

² See Compl., D.I. 1.

personally served.³ She did not file an answer or other responsive motion. On October 22, 2025, Plaintiff sought default judgment pursuant to Superior Court Civil Rule 55(b)(1).⁴ Still the Court did not hear from Defendant.

In June of this year, the Court received Defendant's request to stay an imminent sheriff sale, which alleged she was "not served with enough time...."⁵ Recognizing the potential irreparable harm to Defendant, the Court granted that Motion and stayed the sheriff's sale pending the matter's resolution.⁶ Plaintiff treated the Motion as one to vacate default judgment and filed a response.⁷ The Court then directed Defendant to file a written response and set a hearing date.⁸

In her written response, Defendant asserted that she had never been personally served with the Complaint; she told the Court the "first notice of any legal proceedings concerning this matter occurred on June 2, 2026...."⁹ If true, such an assertion would warrant further inquiry.

Plaintiff's counsel filed a reply, attaching an email he received from Defendant on September 17, 2025, regarding the "paperwork [she] was served[.]"¹⁰

³ See Sheriff's Return, D.I. 4.

⁴ See Direction for Default J., D.I. 6.

⁵ Mot., D.I. 16.

⁶ Order, D.I. 17.

⁷ Pltf.'s Opp'n to Def.'s Mot., D.I. 19.

⁸ Letter, D.I. 20.

⁹ Def.'s Response, D.I. 22, at 1, 2.

¹⁰ Pltf.'s Reply to Def.'s Response, D.I. 23, Ex. 2.

The Court scheduled a hearing for July 10, 2026.¹¹ On that date, Defendant arrived late. She advised the Court she had been in an accident in the courthouse parking lot. Seeing that she appeared distracted, the Court asked if she needed a continuance. Defendant initially declined; she told the Court she was fine but perhaps had an injury to her arm.

However, as the hearing proceeded, Defendant requested a continuance. While rescheduling, the Court sought to clarify the legal issues and standards for when the matter reconvened. At this point, Defendant proffered that she had been served with “paperwork last August....”¹² She also stated “I agree that I owe money.”¹³

Before the July 10 hearing ended, the Court advised Defendant the rescheduled hearing would likely take place on July 15, 2026, and she would receive a confirmatory email from Chambers. That same day, Chambers sent an email to the same email address Defendant previously had used to communicate with the Court.¹⁴ The following week, Defendant failed to appear. She did not contact the Court via email or phone call. The Court deemed the Motion to Vacate Default Judgment withdrawn.¹⁵

¹¹ See generally Mots. Hr’g Tr., D.I. 33; Judicial Action Form, D.I. 24.

¹² D.I. 33, at 12:13.

¹³ *Id.* at 14:17.

¹⁴ See D.I. 26. See also D.I. 25.

¹⁵ Judicial Action Form, D.I. 27.

Five days later, without acknowledging her missed Court date, Defendant wrote to request “a continuance of the hearing ... due to significant and unforeseen medical circumstances....”¹⁶ She cited her July 10 car accident as the reason for her belated request. The Court responded by letter, advising that judicial action must be initiated by motion with supporting documents.¹⁷

Eventually, on August 5, 2026, this Court received a Motion from Defendant, asking the Court to “reopen proceedings, vacate prior orders, and stay sheriff’s sale.”¹⁸ Regarding missing the July 15, 2026 hearing, Defendant stated “she did not see the email” confirming the rescheduled date.¹⁹ She asserted she has “acted in good faith throughout these proceedings” and has a bona fide dispute regarding whether she received service of process.²⁰

Legal Standards

Rule 60(b) governs a motion for relief from judgment. The Rule states, in relevant part:

On motion and upon such terms as are just, the Court may relieve a party or a party’s legal representative from a final judgment, order, or proceeding for the following reasons: (1) Mistake, inadvertence, surprise, or excusable neglect[.]

¹⁶ D.I. 29, at 1.

¹⁷ Letter, D.I. 30.

¹⁸ D.I. 32.

¹⁹ *Id.* at 4.

²⁰ *Id.* at 3, 4.

This inquiry takes several steps. It first involves an analysis of whether the defendant's culpable conduct led to default, and if so, whether it was excusable.²¹ The law has defined "excusable neglect" in this Rule's context as "neglect which might have been the act of a reasonably prudent person under the circumstances."²² The burden in this case is on the Defendant to demonstrate her "neglect was excusable."²³ If the neglect was not excusable, then this Court will not analyze the additional factors.²⁴ But, if excusable, the next question is whether there is a meritorious defense.²⁵ Finally, the Court asks whether the plaintiff will suffer prejudice.²⁶

Analysis

This Court does not have the discretion to ignore the record or the law. On July 10, Defendant verbally volunteered to this Court that she had been served. Additionally, there is record evidence that she emailed Plaintiff's counsel regarding the Complaint, after being served. Therefore, there is no dispute regarding service of process.

²¹ *Apartment Cmtys. Corp. v. Martinelli*, 859 A.2d 67, 69 (Del. 2004) citing *Farnese v. Bagnasco*, 687 F.2d 761, 764 (3d Cir. 1982).

²² *Id.* at 70 (citation omitted) quoting *Battaglia v. Wilmington Sav. Fund Soc'y*, 379 A.2d 1132, 1135 n.4 (Del. 1977).

²³ *Id.* at 72 citing *Cohen v. Brandywine Raceway Ass'n*, 238 A.2d 320, 324 (Del. Super. Ct. 1968).

²⁴ *Id.* at 70, 72.

²⁵ *Id.* at 69–70 (citation omitted).

²⁶ *Id.* at 70 (citation omitted).

Defendant's written filings do not change this fact. Understanding that litigants seek to advance their position advantageously, her written assertions give the Court concerns regarding candor. Defendant had notice of the lawsuit last August, which is precisely when the Sheriff verified personal service.

While not germane to the central legal question, Defendant's belated continuance request of the hearing suggests similar issues with inaction. Following the July 10 continuance due to her car accident, Defendant knew the Court was going to reschedule a hearing—likely on July 15—to accommodate her Motion to Vacate Default Judgment. It is difficult to understand why Defendant did not check her email or reach out to the Court. Undoubtedly, this is a matter of significance to Defendant, yet she failed to appear or communicate.

The Court finds no excusable neglect justifying relief under Rule 60(b). Even though the Court's analysis stops where there is no such finding, Defendant further could not establish a meritorious defense to the Complaint where she agreed she "owes the money."

Therefore, the Motion to Reopen Proceedings is DENIED.

IT IS SO ORDERED.

/s/Sonia Augusthy
Judge Sonia Augusthy