

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

DAMIEN CARL BRADFORD,	)	
	)	
Appellant,	)	
	)	
v.	)	C.A. No.: K25A-05-001 RLG
	)	
AMERICAN FINANCE, LLC,	)	
	)	
Appellee.	)	

OPINION

Submitted: June 10, 2026
Decided: September 30, 2026

***Upon Appellant's Appeal from a Decision of the
Court of Common Pleas – AFFIRMED.***

James J. Woods, Jr., Esquire, Grady & Hampton, LLC, Dover, Delaware, *Attorney
for Appellant.*

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Delaware, *Attorney for Appellee.*

GREEN-STREETT, J.

I. Introduction

A man decided to finance his purchase of a truck. The creditor repossessed and sold the truck after payments ceased, leaving an unpaid balance on the man's debt. The creditor sought and obtained a judgment against the man in Justice of the Peace Court. Five years later, the creditor attempted to revive the judgment, prompting the man to participate in the litigation for the first time. The Justice of the Peace Court granted that revival of the judgment. On appeal, the Court of Common Pleas affirmed. The man appealed to this Court, arguing the lower courts erred by failing to consider his defenses to the original judgment properly. As the Court of Common Pleas's decision was free of legal error and supported by the record, its ruling is **AFFIRMED**.

II. Factual and Procedural Background

A. The underlying judgment

In 2014, Appellant Damien Carl Herneisen ("Mr. Bradford")¹ entered a contract with Appellee American Finance, LLC ("AF") to finance the purchase of a used truck.² AF agreed to loan Mr. Bradford \$13,261.00 at an annual interest rate of

¹ Appellant subsequently changed his name to Damien Carl Bradford. See Opening Br. at 7.

² Opening Br. at 5.

26.9%.³ Mr. Bradford purchased the truck on November 28, 2014, for a total price of \$15,261.00.⁴

After the truck “began experiencing transmission problems,” Mr. Bradford discontinued repayment of the loan.⁵ AF repossessed the truck, using a repossession service to retrieve the truck from an address supplied by Mr. Bradford (the “Recovery Address”).⁶ The Recovery Address, however, differed from the address provided by Mr. Bradford when he entered into the finance agreement (the “Loan Address”).⁷ AF sold the truck back to the original dealership on March 4, 2016, for \$6,501.00.⁸ AF sent notice of the sale to the Loan Address, not the Recovery Address.⁹ AF received that letter back as unclaimed.¹⁰

On April 1, 2016, AF sent a deficiency letter to Mr. Bradford, again using the Loan Address.¹¹ After receiving no response from Mr. Bradford, AF filed suit in

³ Id.

⁴ Id.

⁵ Id.

⁶ Id. at 6.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id.

Justice of the Peace Court (“JP Court”).¹² JP Court sent notice of that suit to the Loan Address.¹³ After that notice was returned unclaimed, JP Court mailed a second letter to the same address via certified mail.¹⁴

Mr. Bradford failed to respond to AF’s suit.¹⁵ Accordingly, JP Court granted default judgment against Mr. Bradford in the amount of \$6,910.50, plus post-judgment interest, on August 16, 2021.¹⁶ JP Court mailed notice of the default judgment to Mr. Bradford at the Loan Address.¹⁷ Mr. Bradford did not respond to the default judgment.¹⁸

In July 2021, AF learned Mr. Bradford had purchased a new vehicle.¹⁹ AF attempted to secure a levy against Mr. Bradford’s personal property, but the levy could not be established because the name on the judgment no longer matched Mr. Bradford’s legal name.²⁰ At that time, AF discovered Mr. Bradford had legally

¹² Id.

¹³ Id.

¹⁴ Id. at 7.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Tr. of Jan. 27 CCP Hr’g, D.I. 13, at 13 (Jan. 27, 2025).

²⁰ Id. at 14-15.

changed his name five years prior – on December 12, 2017.²¹ As part of that process, Mr. Bradford represented to the Court of Common Pleas (“CCP”) that there were no judgments against him.²²

AF filed a motion in JP Court to change the name on the judgment against Mr. Bradford to reflect his new name.²³ JP Court granted that motion on August 17, 2021.²⁴ As five years had passed since JP Court entered the default judgment, AF filed a Motion to Revive Judgment on April 20, 2022.²⁵ In response to that motion, Mr. Bradford began participating in the litigation, filing an Answer and Counterclaim.²⁶

JP Court held hearings on the matter on November 3 and 4, 2022.²⁷ JP Court found AF “[had] proven [it] complied with the service requirements pursuant to 10 Del. C. § 9524.”²⁸ Accordingly, JP Court found the August 16, 2016 judgment

²¹ Id. at 13.

²² Id. at 7.

²³ Id. at 17.

²⁴ Opening Br. at 8.

²⁵ Ans. Br. at 5.

²⁶ Opening Br. at 8.

²⁷ JP Court Decision, App.’s Ex. F, at 1 (Nov. 3, 2023).

²⁸ Id. at 3.

qualified as a valid judgment.²⁹ As to Mr. Bradford’s counterclaim, JP Court determined Mr. Bradford asserted only “claims which could have been plead [sic] at trial.”³⁰ JP Court thus dismissed the counterclaim as untimely.³¹ Finding that the original default judgment was valid, JP Court revived AF’s judgment against Mr. Bradford.³²

B. Mr. Bradford’s appeal to Court of Common Pleas

Mr. Bradford filed a timely appeal to CCP of JP Court’s Order.³³ In a letter dated June 21, 2024, CCP issued a ruling on the scope of Mr. Bradford’s appeal.³⁴ CCP acknowledged that Mr. Bradford sought *de novo* review of: (1) the default judgment granted in August 2016; (2) the order granting Mr. Bradford’s name change on the judgment granted August 17, 2021; and (3) the granting of AF’s Motion to Revive Judgment.³⁵ Based on the record available, CCP determined Mr. Bradford timely appealed the decision reviving the judgment only.³⁶ CCP noted

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Opening Br. at 9.

³⁴ App.’s Ex. G.

³⁵ Id. at 1.

³⁶ Id.

appeals from JP Court to CCP must be filed “within 15 days from the entry of the final judgment, order, or disposition from which an appeal is permitted by law.”³⁷ As Mr. Bradford failed to appeal either the default judgment or the change of name on the judgment within the applicable 15-day window, CCP held those orders could not be appealed.³⁸

CCP conducted a remote hearing on October 28, 2024, to consider a Motion to Dismiss the Appeal filed by AF.³⁹ CCP confirmed the only issue before it on appeal centered on the revival of the judgment.⁴⁰ Mr. Bradford objected to that ruling, arguing his “belief [] that[,] by taking an appeal, we bring up all interlocutory orders below.”⁴¹ CCP reiterated its decision, explaining that Mr. Bradford failed to file a timely appeal of any order other than the Motion to Revive Judgment.⁴² After referencing decisional law it found to be instructive, CCP informed the parties it would hold a trial on the Motion to Revive.⁴³

³⁷ Id. at 2 (citing Ct. Com. Pl. Civ. R. 72.3(b)).

³⁸ Id.

³⁹ Tr. of Oct. 28 CCP Hr’g, D.I. 12, at 5 (Oct. 28, 2024).

⁴⁰ Id. at 10.

⁴¹ Id.

⁴² Id.

⁴³ Id. at 12.

On January 27, 2025, CCP held a trial regarding AF’s Motion to Revive.⁴⁴ AF presented the testimony of Elizabeth Parsons, a legal assistant working in AF’s Collateral Recovery Department.⁴⁵ Ms. Parsons testified regarding AF’s efforts to collect on the judgment against Mr. Bradford.⁴⁶ Specifically, she testified about “skip tracing” methods employed by AF.⁴⁷ These techniques allowed AF to “use either Facebook or any sort of public information to try to find work information or vehicles registered to the defendant, as well as paid vendor searches to search for employment.”⁴⁸ Through her testimony, collection notes for Mr. Bradford’s account were introduced into evidence.⁴⁹

After AF rested its case, Mr. Bradford provided an opening statement arguing CCP could “refuse to revive the judgment if there [was] any basis for concluding the continued enforcement of the judgment would be inequitable.”⁵⁰ Mr. Bradford posited the amount of interest that accrued on the judgment “is now more than the

⁴⁴ Tr. of Jan. 27 CCP Hr’g at 1.

⁴⁵ Id. at 7-8.

⁴⁶ Id. at 8-10.

⁴⁷ Id.

⁴⁸ Id. at 10-11.

⁴⁹ Id. at 12.

⁵⁰ Id. at 28.

judgment,” rendering enforcement of the judgment inequitable.⁵¹ When asked if Mr. Bradford admitted to the original amount of the judgment, counsel replied:

We don’t admit the judgment, but Your Honor has ruled that you’re not going to hear any testimony about reopening the judgment or about the UCC or truth in lending defenses. So[,] given Your Honor’s rulings, we’re taking that [–] at this point in the proceedings [–] as the judgment is the judgment.⁵²

Mr. Bradford testified he changed his name to honor the aunt and uncle who raised him as a child.⁵³ He stated that, at the time of his name change, he was unaware of AF’s judgment against him.⁵⁴ On cross-examination, Mr. Bradford acknowledged he did not do “any kind of search” to determine if there were any judgments against him.⁵⁵ When asked if he ever attempted to contact AF, he replied, “Why would I reach out to American Finance?”⁵⁶

Following the trial, CCP issued a “Final Decision and Order” on April 9, 2025.⁵⁷ CCP recounted its prior ruling that it would only consider an “appeal

⁵¹ Id.

⁵² Id. at 29.

⁵³ Id. at 31-32.

⁵⁴ Id.

⁵⁵ Id. at 35.

⁵⁶ Id.

⁵⁷ Pl.’s Notice of Appeal, Ex. A (hereinafter, the “CCP Decision”).

resulting from Appellee’s Motion to Revive (Scire Facias).”⁵⁸ In its recitation of the facts, CCP listed the numerous times it found AF attempted to contact Mr. Bradford to execute on the judgment.⁵⁹ Specifically, CCP noted: (1) at least 14 skip tracing attempts; (2) a “payment arrangement letter” sent to the Loan Address; (3) at least three phone calls to Mr. Bradford’s phone with accompanying voicemails; (4) a fourth phone call “to Mr. Bradford’s cellphone with no message able to be left;” (5) two phone calls to Mr. Bradford’s place of employment; (6) “a call to Vivent Solar to verify employment for Mr. Bradford on April 4, 2019, which was unsuccessful;” (7) two voicemails left with Delmarva Landscaping; and (8) “an email sent to Mr. Bradford LLC [sic] on August 3, 2017 directing him to contact American Finance.”⁶⁰

CCP found appeals from JP Court “are governed by statute, specifically[,] 10 Del. C. § 9571.”⁶¹ Under 10 Del. C. § 9571(b), an appeal from JP Court “shall be taken within 15 days of the final order, ruling, decision[,] or judgment.” As Mr. Bradford only filed a timely appeal of the Motion to Revive Judgment, CCP found its jurisdiction in the matter was limited to consideration of the Motion to Revive

⁵⁸ Id. at 3.

⁵⁹ Id. at 4.

⁶⁰ Id. at 4-5.

⁶¹ Id. at 7.

Judgment.⁶² CCP determined it could not review the merits of the judgment. Accordingly, CCP held it would review JP Court’s determination that “the judgment entered on August 6, 2016 was valid.”⁶³ CCP further noted, “[t]he parties agreed [Mr. Bradford’s] name should be changed to [his] new name (Bradford).”⁶⁴ CCP concluded, “[t]he Order granting the Motion to Revive [] was the only final judgment timely appealed by Mr. Bradford, and thus shall be the only matter reviewed *de novo* by [CCP].”⁶⁵

CCP ultimately opined that Mr. Bradford failed to show, by a preponderance of the evidence, that the judgment should not be revived.⁶⁶ CCP found the record before it showed AF attempted to contact Mr. Bradford to apprise him of the judgment.⁶⁷ Further, CCP noted that, in the context of a rule to show cause proceeding regarding revival of a judgment, “Mr. Bradford’s lack of notice in JP Court [was] no longer a viable argument per Delaware Superior Court.”⁶⁸ Finding

⁶² Id. at 7-8.

⁶³ Id. at 7.

⁶⁴ Id. at 7.

⁶⁵ Id. at 8.

⁶⁶ Id. at 9.

⁶⁷ Id. at 10.

⁶⁸ Id. (citing Dealer Servs. Corp. v. Albertson, 2024 WL 3064946, at *3 (Del. Super. June 18, 2024)).

that “Mr. Bradford’s argument appears to be challenging the merits of the original default action” – a challenge CCP held to be untimely – CCP concluded Mr. Bradford failed to demonstrate the judgment should not be revived.⁶⁹ Accordingly, CCP affirmed the JP Court’s granting of the Motion to Revive Judgment.⁷⁰

C. The instant appeal

Mr. Bradford filed a timely appeal of the CCP Decision to this Court on May 5, 2025.⁷¹ He filed his Opening Brief on July 21, 2025.⁷² AF filed its Answering Brief on August 11, 2025.⁷³ Mr. Bradford filed his Reply Brief on August 12, 2025.⁷⁴ On August 18, 2025, an internal Superior Court switch of judicial officers was necessary.⁷⁵

At an office conference on September 10, 2025, counsel alerted the Court to potential issues regarding the record – specifically, the lack of transcripts from the proceedings before CCP.⁷⁶ On October 3, 2025, the Court signed an Order

⁶⁹ Id. at 12.

⁷⁰ Id. at 13.

⁷¹ D.I. 1 (May 5, 2025).

⁷² D.I. 7 (July 21, 2025).

⁷³ D.I. 8 (Aug. 11, 2025).

⁷⁴ D.I. 9 (Aug. 12, 2025).

⁷⁵ D.I. 11 (Aug. 18, 2025).

⁷⁶ D.I. 14 (Sept. 10, 2025).

requesting transcripts of the hearings held by CCP on October 28, 2024, and January 27, 2025.⁷⁷ The Court received those transcripts on November 12, 2025.⁷⁸

The Court heard oral argument on this matter on March 27, 2026.⁷⁹ At that time, the Court requested supplemental filings from the parties.⁸⁰ Mr. Bradford submitted his supplemental letter to the Court on April 7, 2026.⁸¹ AF filed its supplemental letter on April 30, 2026.⁸² The Court received the transcript of oral argument on June 10, 2026.⁸³

III. Standard of Review

Under 10 Del. C. § 1326(a), a party may appeal “[f]rom any final order, ruling, decision[,] or judgment” entered by the CCP “to the Superior Court of the State in the county in which said order, ruling, decision[,] or judgment was rendered.” 10 Del. C. § 1326(c) requires that “[t]he appeal shall be reviewed on the record and shall not be tried *de novo*.” This Court must examine CCP’s ruling and determine if

⁷⁷ D.I. 17 (Oct. 3, 2025).

⁷⁸ D.I. 19, D.I. 20 (Nov. 12, 2025).

⁷⁹ D.I. 23 (Mar. 27, 2026).

⁸⁰ Id.

⁸¹ D.I. 24 (Apr. 7, 2026).

⁸² D.I. 25 (Apr. 30, 2026).

⁸³ D.I. 26 (Sept. 14, 2026) (the official transcript of this hearing was docketed on September 14, 2026).

its ruling “is free of legal error and supported by the evidence.”⁸⁴ This Court will not disturb the lower court’s factual findings if “the record indicates that it is the product of an orderly and logical deductive process and supported by the evidence.”⁸⁵ “Legal conclusions are reviewed *de novo* for errors in the formulation or application of legal precepts.”⁸⁶

IV. Analysis

In his appeal, Mr. Bradford raises seven grounds for the Court’s consideration.⁸⁷ Three of those grounds assert defenses against the original judgment: (1) an allegation that AF violated the Truth in Lending Act; (2) an allegation that AF violated provisions of the Uniform Commercial Code; and (3) an assertion that those two defenses are not time-barred.⁸⁸ As CCP found any challenges to the underlying judgment were not properly before it, CCP did not

⁸⁴ Milbourne v. Swinton, 2025 WL 3044171, at *4 (Del. Super. Oct. 30, 2025) (citing Baker v. Connell, 488 A.2d 1303, 1309 (Del. 1985)).

⁸⁵ Zhang v. Jack Lingo Inc. Realtor, 2024 WL 3791646, at *1 (Del. Super. Aug. 13, 2024) (citing Rufus v. Ramsey, 2004 WL 838612, at *1 (Del. Super. Apr. 13, 2004)).

⁸⁶ Milbourne, 2025 WL 3044171, at *4 (citing Lopez-Vasquez v. State, 956 A.2d 1280, 1285 (Del. 2008)).

⁸⁷ Opening Br. at 10.

⁸⁸ Id.

consider those defenses.⁸⁹ Accordingly, those grounds are not properly before this Court, and will not be considered on appeal.

Mr. Bradford's remaining four grounds center on CCP's decision to limit the scope of his appeal to an examination of the Motion to Revive Judgment.⁹⁰ He contends CCP erred by: (1) failing to grant a trial *de novo* on all issues raised by Mr. Bradford; (2) failing to find the original judgment was void based on AF's failure to verify Mr. Bradford's address; (3) refusing to allow Mr. Bradford to present equitable defenses; and (4) denying Mr. Bradford's requests for discovery. AF counters that CCP correctly limited the scope of Mr. Bradford's appeal.⁹¹ Further, AF argues Mr. Bradford "failed to identify any errors of law, [or] to challenge any findings of fact" within the CCP Decision.⁹²

A. CCP properly limited the scope of Mr. Bradford's appeal

JP Court entered a default judgment against Mr. Bradford on August 16, 2016.⁹³ Mr. Bradford did not file a timely appeal of that judgment, nor did he file a

⁸⁹ The CCP Decision at 8.

⁹⁰ Opening Br. at 10.

⁹¹ Ans. Br. at 10.

⁹² *Id.* at 12.

⁹³ The CCP Decision at 4.

motion to vacate the judgment.⁹⁴ Mr. Bradford did not participate in the litigation until AF filed its Motion to Revive Judgment.⁹⁵ “[A] default judgment is a final judgment for all purposes as between the parties.”⁹⁶

Under 10 Del. C. § 9571(b), an appeal of a final judgment from JP Court to CCP “shall be taken within 15 days of the final order, ruling, decision[,] or judgment.” § 9571 “is a jurisdictional statute governing the right of appeal from judgments recovered before a Justice of the Peace. If such a statute is not [followed,] the appellate court has no jurisdiction.”⁹⁷ As Mr. Bradford did not comply with the requirements of 10 Del. C. § 9571(b), CCP could not entertain an appeal of the default judgment.

Mr. Bradford argues that 10 Del. C. §9571(c)’s mandate that an appeal to CCP “shall be a trial *de novo*” required CCP to conduct a trial *de novo* of *all* orders from JP Court relevant to this litigation.⁹⁸ Mr. Bradford, however, failed to file a timely

⁹⁴ Opening Br. at 8 (noting that when Mr. Bradford began participating in the litigation against him, he filed an Answer and Counterclaim).

⁹⁵ Id.

⁹⁶ Werb v. D’Alessandro, 606 A.2d 117, 119 (Del. 1992) (internal quotations omitted) (quoting 6 James W. Moore et al., *Moore’s Federal Practice* ¶ 55.09 (2d ed. 1992)).

⁹⁷ Williams v. Singleton, 160 A.2d 376, 378 (1960); see also Freibott v. Patterson Schwartz, Inc., 740 A.2d 4 (Del. Super. 1999) (“An appellant’s failure to comply with [10 Del. C. §§ 9571(a) and (b)] precludes the Court of Common Pleas from entertaining jurisdiction over the appeal.”).

⁹⁸ Opening Br. at 11.

appeal of any order aside from the one concerning the Motion to Revive Judgment. Accordingly, 10 Del. C. § 9571(c) entitles him to a trial *de novo* on the JP Court's order granting the Motion to Revive. It does not provide him with an opportunity to relitigate other final orders tied to the same litigation for which the appellate deadline has long since passed.⁹⁹

Mr. Bradford cites Church v. Cottman¹⁰⁰ and August v. Lin¹⁰¹ for the premise that “all issues litigated in the Justice of the Peace Court should have been heard afresh in the Court of Common Pleas.”¹⁰² Those cases, however, do not support Mr. Bradford's argument. Specifically, in Church, the appellee succeeded on a motion to dismiss in JP Court after the appellant failed to provide a bill of particulars.¹⁰³ On

⁹⁹ See Ney v. Polite, 399 A.2d 527, 529 (Del. 1979) (Holding that an appeal from a JP Court decision denying a motion to vacate a default judgment could consider the merits of that denial, but not the original entry of default judgment:

In the case before us, plaintiff's liability became fixed and determined upon the magistrate's denial of the application to vacate the nonsuit and default judgment; consequently, plaintiff's right to appeal from that denial accrued from the date of that denial, not the date of entry of the nonsuit and default judgments themselves. However, we note that the appeal permits **only review of the magistrate's order denying relief and not of the nonsuit and default judgment themselves.** (emphasis added))

¹⁰⁰ 1998 WL 733753, at *2 (Del. Super. June 18, 1988).

¹⁰¹ 2019 WL 3976040, at *1 (Del. Super. Aug. 20, 2019), aff'd sub nom. Aug. v. Jie Lin, 228 A.3d 408 (Del. 2020).

¹⁰² Opening Br. at 11.

¹⁰³ Church, 1998 WL 733753, at *1.

appeal to CCP, the court limited the scope of its review to the motion to dismiss only.¹⁰⁴ This Court reversed, holding that a trial *de novo* required “that the parties begin anew, as if proceedings in the lower court never took place.”¹⁰⁵

Church presented a distinguishable procedural posture compared to Mr. Bradford’s appeal. In Church, the parties were still litigating the initial complaint when JP Court granted the motion to dismiss. Notably, before the motion to dismiss, a default judgment had been entered against the appellee for failing to appear.¹⁰⁶ The appellee succeeded on a motion for relief from judgment, before the case was ultimately dismissed.¹⁰⁷ Given that procedural posture, a trial *de novo* required CCP to consider the merits of the case without affording any deference to the JP Court’s decision to grant the motion to dismiss.¹⁰⁸

Similarly, Mr. Bradford could have appealed the JP Court’s entry of default judgment against him, but failed to do so. By failing to make any attempt to secure relief from the judgment against him until AF filed its Motion to Revive Judgment, Mr. Bradford forewent his opportunity to attack the merits of that judgment.

¹⁰⁴ Id.

¹⁰⁵ Id. at *3.

¹⁰⁶ Id. at *1.

¹⁰⁷ Id.

¹⁰⁸ Id.

Challenging the Motion to Revive Judgment at this stage does not permit Mr. Bradford to reopen all *final* orders entered in the litigation previously.

In August, a *pro se* litigant appealed a JP Court decision to CCP by listing the potential ways JP Court erred.¹⁰⁹ She failed, however, to state any allegations against the appellee when filing her appeal in CCP.¹¹⁰ CCP dismissed the appeal under Court of Common Pleas Civil Rule 12(b)(6) for failure to state a claim upon which relief could be granted.¹¹¹ This Court affirmed that dismissal, finding that an appeal *de novo* required litigants appealing a decision of JP Court to CCP to provide “(1) a short and plain statement of the claim showing that the pleader is entitled to relief and (2) a demand for judgment.”¹¹² This Court delineated an appeal *de novo*, wherein the parties must begin litigating that issue anew, and a more traditional appeal wherein the parties focus their contentions to errors made by the lower court.¹¹³ August clarifies that an appeal *de novo* requires CCP to consider the merits

¹⁰⁹ August, 2019 WL 3976949, at *3.

¹¹⁰ Id.

¹¹¹ Id.

¹¹² Id. at *5.

¹¹³ Id.

of the issue brought before it without deference to JP Court.¹¹⁴ Further, the parties must state their claims *de novo* for CCP to review.¹¹⁵

The August decision does not support the contention that an appeal of an order from JP Court requires, or even permits, CCP to reconsider all prior final orders in that litigation. Rather, August explains the requirements placed upon a party wishing to appeal a JP Court decision to CCP. A party appealing a JP Court decision must treat his CCP appeal as if the initial action had been filed in CCP.¹¹⁶ In the instant case, that required the parties to relitigate the Motion to Revive Judgment, but not any of the prior final orders that Mr. Bradford declined to appeal within the statutorily-mandated timeframe.

Thus, on appeal, CCP could only consider the JP Court's decision to grant the revival of the judgment. CCP held a trial *de novo* on that issue.¹¹⁷ Mr. Bradford's contention that CCP erred by refusing to expand the scope of its review runs contrary to statutory and decisional law. CCP correctly limited the scope of its review to the

¹¹⁴ Id.

¹¹⁵ Id.

¹¹⁶ Id. at *4.

¹¹⁷ The CCP decision at 3.

only issue properly before it, conducted the required trial *de novo*, and affirmed the JP Court’s decision. That process was free from legal error.¹¹⁸

B. CCP’s finding that the 2016 default judgment was valid is supported by the record

Mr. Bradford asserts CCP erred by failing to void the original default judgment entered on August 16, 2016.¹¹⁹ In support of that assertion, Mr. Bradford argues that “AF did not act in good faith when it sued Mr. Bradford in 2016, because it knew[,] or had reason to know[,] he no longer lived at the [Loan Address], but it nevertheless gave that address to the Justice of the Peace Court.”¹²⁰ Mr. Bradford posits CCP committed legal error by “not allowing Mr. Bradford any discovery on whether [AF] had ‘acted with diligence’” when trying to contact Mr. Bradford.¹²¹ Mr. Bradford contends AF’s alleged failure to utilize Mr. Bradford’s updated address constitutes a violation of “the obligation of good faith and fair dealing inherent in AF’s contract with Mr. Bradford.”¹²²

¹¹⁸ See Zhang, 2024 WL 3791646, at *1 (affirming a Court of Common Pleas decision holding that a review *de novo* of a Justice of the Peace order encompassed only those orders that were appealed timely).

¹¹⁹ Opening Br. at 12.

¹²⁰ Id. at 13.

¹²¹ D.I. 24 at 2.

¹²² Opening Br. at 13.

Based on the record before CCP, AF and JP Court both attempted to contact Mr. Bradford at the Loan Address.¹²³ Other than using what Mr. Bradford characterizes as an outdated address, Mr. Bradford does not assert JP Court committed any error when it attempted to provide him notice, via certified mail, of the litigation against him.¹²⁴ In proceedings before JP Court, Mr. Bradford testified the Loan Address utilized by both AF and JP Court belonged to his mother.¹²⁵ That address matched the address on Mr. Bradford's license until at least 2019.¹²⁶ Mr. Bradford further testified his mother lived at that address until 2021.¹²⁷ Mr. Bradford stated he did not change his address on his license as "any mail that went to my mom's she always gives me [sic]."¹²⁸

Although CCP conducted a *de novo* review of the JP Court's decision, CCP was not required to disregard facts preserved by the JP Court's record. Equipped with Mr. Bradford's testimony, CCP concluded Mr. Bradford possessed adequate knowledge of the potential of litigation against him regarding his debt to AF.¹²⁹

¹²³ Id. at 6-7.

¹²⁴ Id. at 7.

¹²⁵ Ex. F to Opening Br. at 2.

¹²⁶ Id.

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Tr. of Oct. 28 CCP Hr'g at 11-12.

CCP's conclusion is backed by sufficient evidence and results from a logical and orderly deductive process. Accordingly, this Court will not disturb that factual finding.

C. CCP acted within its discretion by declining to find reviving the judgment against Mr. Bradford inequitable

Mr. Bradford next argues that CCP erred by preventing him from arguing equitable defenses against the 2016 judgment.¹³⁰ He posits Knott v. LVNV Funding, LLC¹³¹ requires Delaware courts permit debtors to raise “any equitable defense in a *scire facias* proceeding.”¹³² Mr. Bradford asserts that his defense of recoupment, as well as his counterclaims against AF for violations of the Uniform Commercial Code and the Truth in Lending Act, are equitable defenses that Knott mandated CCP must consider.¹³³

In Knott, the Delaware Supreme Court evaluated – and affirmed – a Superior Court decision granting a motion to refresh a judgment after an elapse of five years since the initial entry of the judgment.¹³⁴ In affirming, the Delaware Supreme Court

¹³⁰ Opening Br. at 14-15.

¹³¹ 95 A.3d 13, 19 (Del. 2014).

¹³² Opening Br. at 14.

¹³³ Id.

¹³⁴ Knott, 95A.3d at 13-14.

determined that statutory limitations on the timeframe in which a creditor can collect on a judgment did not function as a statute of limitations.¹³⁵ Rather, the statutory requirement that a creditor file a motion to revive a judgment after five years elapsed “gives the Superior Court the discretion not to refresh a judgment if a creditor has not acted with diligence or if there is some bases for concluding that continued enforcement of the judgment would be inequitable.”¹³⁶

Extending that holding to CCP’s review of a motion to revive a judgment, Knott affords CCP the *discretion* to consider whether reviving a judgment would be inequitable. Knott also proves instructive regarding the scope of a court’s review when considering a motion to revive a judgment. As explained in Knott, “the modern equivalent of a writ of *scire facias* is a rule to show cause.”¹³⁷ In a *scire facias* action, the debtor “would have been required to appear and show cause why the [creditor] could not execute on the judgment.”¹³⁸ Aside from a creditor failing to act with diligence to collect on a debt, Knott does not describe what type of scenario would form the basis for a court declining to revive a judgment because of inequity.

¹³⁵ Id. at 14.

¹³⁶ Id. at 19.

¹³⁷ Id. at 17.

¹³⁸ Id. at 21.

CCP heard testimony from AF about its attempts to contact Mr. Bradford regarding the judgment against him.¹³⁹ CCP determined AF acted with sufficient diligence in attempting to collect on the judgment.¹⁴⁰ Additionally, CCP heard argument from Mr. Bradford regarding the equity of reviving the judgment.¹⁴¹ Mr. Bradford argued that, “[i]t’s inequitable to continue to do this when a very long time ago ... it would’ve been very easy for American Finance to determine exactly where Mr. Bradford lived and to serve him.”¹⁴² CCP considered that supposition, and declined to agree.¹⁴³

In this appeal, Mr. Bradford contends CCP refused to address “Mr. Bradford’s position that he should be allowed to present his UCC and TILA claims in recoupment, as opposed to seeking an affirmative recovery from AF.”¹⁴⁴ CCP *did* address that position, however, finding that those defenses could have been asserted “when the matter was originally filed [in 2016].”¹⁴⁵ CCP correctly determined that

¹³⁹ Tr. of Jan. 27 CCP Hr’g at 10-22.

¹⁴⁰ The CCP Decision at 13 (“It was again, [Mr. Bradford’s] obligation to show that [AF] was dilatory in executing on its judgment, but [he] offered no evidence that [AF] had done so.”).

¹⁴¹ Tr. of Jan. 27 CCP Hr’g at 28.

¹⁴² Id. at 28-29.

¹⁴³ The CCP Decision at 13.

¹⁴⁴ Opening Br. at 15.

¹⁴⁵ Tr. of Oct. 28 CCP Hr’g at 9.

the defenses Mr. Bradford sought to assert – aside from his argument that AF failed to make diligent efforts to execute the judgment – should have been raised before the entry of default judgment.¹⁴⁶

A hearing on a Motion to Revive Judgment was not the appropriate time for Mr. Bradford to argue those defenses.¹⁴⁷ CCP maintained the discretion to consider whether reviving the judgment would be inequitable, but Knott did not create an obligation for CCP to consider every equitable defense Mr. Bradford wished to raise after failing to do so at the appropriate and mandated time. CCP exercised its discretion, and declined to hear testimony on the merits of those defenses. CCP did not commit legal error in doing so.

D. CCP acted within its discretion in denying Mr. Bradford discovery

During the litigation before CCP, Mr. Bradford submitted a discovery request, prompting AF to file a motion to strike that discovery.¹⁴⁸ CCP granted that motion to strike, and “disallowed any subsequent discovery requests without [CCP’s]

¹⁴⁶ Id.

¹⁴⁷ See Albertson, 2024 WL 3064946, at *3 (“Defenses in a *scire facias* proceeding are limited and do not included defenses on the merits that could have been raised in the court that entered the judgment. As a result, in a rule to show cause proceeding, the judgment-debtor may not challenge the merits of the original action.”).

¹⁴⁸ The CCP Decision at 3.

permission.”¹⁴⁹ CCP reasoned the discovery requests went beyond the scope of the Motion to Revive Judgment.¹⁵⁰

Under Court of Common Pleas Civil Rule 26(b), a party “may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” Mr. Bradford “served discovery in November 2024, relevant to the recoupment defenses and also the steps AF took (if any) to try to get a current address for Mr. Bradford in the 2015-2022 period, but the Court of Common Pleas struck that discovery.”¹⁵¹ Given CCP’s finding that the only appeal properly before it concerned the Motion to Revive Judgment, any discovery “relevant to the recoupment defense,” or efforts to track Mr. Bradford before the entry of the default judgment, were beyond the scope of the appeal.

Mr. Bradford further asserts that CCP’s denial of his discovery attempts “severely hampered [his] ability to cross-examine AF’s sole witness in the Court of Common Pleas.”¹⁵² Through that witness, AF introduced evidence of its attempts to contact Mr. Bradford after the entry of default judgment in 2016.¹⁵³ Logs of those

¹⁴⁹ Id.

¹⁵⁰ Tr. of Oct. 28 CCP Hr’g at 9; App. to Answering Br. at 14.

¹⁵¹ Opening Br. at 20.

¹⁵² Reply at 2.

¹⁵³ See the CCP Decision at 4-5 (providing a summary of the efforts AF made to contact Mr. Bradford).

attempts were submitted as trial exhibits, to which Mr. Bradford had access before trial commenced.¹⁵⁴

During cross-examination of AF's sole witness, Ms. Parsons, Mr. Bradford inquired about the price of a specific type of skip tracing search.¹⁵⁵ CCP sustained AF's objection to that line of questioning, finding the cost of AF's search efforts irrelevant to whether AF acted diligently to contact Mr. Bradford.¹⁵⁶ Mr. Bradford did not question Ms. Parsons about the addresses or phone numbers utilized by AF in those efforts.¹⁵⁷ Mr. Bradford's argument regarding AF's alleged lack of diligence centered on his conclusory contention that "it would have been very easy for [AF] to determine exactly where Mr. Bradford lived and to serve him."¹⁵⁸

Based on the record before this Court, CCP acted within its discretion when it held Mr. Bradford's discovery requests exceeded the scope of a hearing on the Motion to Revive Judgment. Moreover, Mr. Bradford has not demonstrated the relevance of his discovery request in light of CCP's holding that it would only

¹⁵⁴ See Tr. of Jan. 27 CCP Hr'g at 5-6 (wherein counsel for AF indicated the parties had reached agreement on the admissibility of most of AF's exhibits but disagreed about the admissibility of an exhibit containing AF's "account notes." Ultimately, that exhibit was not entered into evidence).

¹⁵⁵ Id. at 25.

¹⁵⁶ Id. at 26.

¹⁵⁷ See id. at 27.

¹⁵⁸ Id. at 28-29.

consider an appeal of the Motion to Revive Judgment. Mr. Bradford similarly failed to provide any explanation for how that holding “severely hampered any cross-examination of AF’s lone witness.”¹⁵⁹

E. CCP did not err in concluding Mr. Bradford admitted to owing the debt

Mr. Bradford’s final argument alleges CCP committed an evidentiary error finding that Mr. Bradford “admitted to owing the principal debt of \$6,216.77.”¹⁶⁰ During the hearing on the Motion to Revive Judgment before CCP, the court asked Mr. Bradford, “[s]o you admit to the amount, the original amount of the judgment. What you are opposed [sic] is the amount of the interest that’s being applied?”¹⁶¹ Mr. Bradford responded:

We don’t admit the judgment, but Your Honor has ruled that you’re not going to hear any testimony about reopening the judgment or about the UCC or truth in lending defenses. So[,] given Your Honor’s rulings, we’re taking that [–] at this point in the proceedings [–] as the judgment is the judgment.¹⁶²

¹⁵⁹ Opening Br. at 20-21.

¹⁶⁰ The CCP Decision at 10.

¹⁶¹ Tr. of Jan. 27 CCP Hr’g at 29.

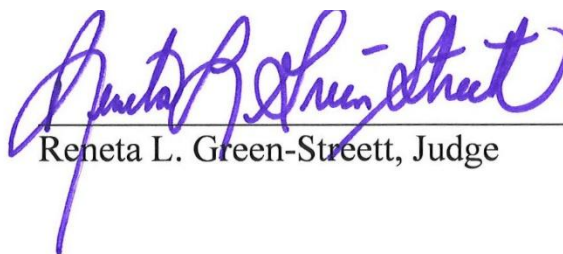
¹⁶² Id.

Faced with CCP's declination to consider any argument for reopening the judgment, Mr. Bradford agreed "the judgment is the judgment."¹⁶³ Inclusive of his attempts to raise defenses against the judgment, Mr. Bradford did not make any argument against the calculation behind the amount of the original judgment – only the validity of the judgment itself. Thus, CCP did not err by finding Mr. Bradford "admitted" to the amount of the principal debt.¹⁶⁴

V. Conclusion

CCP correctly limited the scope of Mr. Bradford's appeal to a review *de novo* of the Motion to Revive Judgment. CCP's factual findings are supported by the record, and represent the product of a logical and orderly deductive process. CCP's legal conclusions are free from legal error. Accordingly, CCP's decision is **AFFIRMED.**

IT IS SO ORDERED.



Reneta L. Green-Streett, Judge

¹⁶³ Id.

¹⁶⁴ The CCP Decision at 10.