

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

January 20, 2009

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RE: *Beverly L. Evans v. State Farm Mutual Automobile Ins.*
C.A. No.: 06C-12-082 FSS

Upon Defendant's Motion for Summary Judgment – **GRANTED**

Dear Counsel:

On December 5, 2008, the court issued its preliminary findings on State Farm's motion for summary judgment. As there was no dispute over the material facts, the court preliminarily granted State Farm's motion because the "27-month rule"¹ barred Plaintiff's claims. The court further stated that, if there were some reason that State Farm's motion should not be granted, the parties had leave to respond.

¹ 21 *Del. C.* § 2118(a)(2)(i)(2).

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Specifically, the court wanted Plaintiff's current claims, and the remaining medical bills' precise allocation. Those responses were due December 15, 2008. To date, the court has not received a response to its preliminary findings.

Because Plaintiff did not respond, the court deems that Plaintiff accepts the preliminary findings and, therefore, Defendant's motion is no longer opposed. And so, State Farm's motion for summary judgment is **GRANTED**. If Plaintiff files a motion for reargument, Plaintiff must clearly explain why Plaintiff did not respond before.

IT IS SO ORDERED.

Very Truly Yours,

cc: Prothonotary (civil)