

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTINA PAOLI,	§
	§ No. 180, 2008
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
WILLIAM GLENN d/b/a	§ C.A. Nos. 07J-08-181
UPCOUNTRY MOBILE HOME	§ 07A-02-001
PARK,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: December 12, 2008

Decided: February 4, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 4<sup>th</sup> day of February 2009, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The defendant-appellant, Christina Paoli, filed an appeal from the Superior Court's February 15, 2008 order denying her motion to vacate the sale of her mobile home at public auction, the Superior Court's April 3, 2008 order denying her motion for reconsideration of that order, and the Superior Court's January 29, 2008 order affirming the Court of Common Pleas' January 24, 2007 order denying her damage claims against the plaintiff-appellee, William Glenn d/b/a Upcountry Mobile Home Park

(“Glenn”).<sup>1</sup> The appeal from the Superior Court’s January 29, 2008 order is untimely and, therefore, must be dismissed. The appeal from the Superior Court’s February 15, 2008 and April 3, 2008 orders is without merit and, therefore, the Superior Court’s judgment must be affirmed.<sup>2</sup>

(2) The dispute between Paoli and Glenn began several years ago when Paoli, whose mobile home was located in a mobile home park owned by Glenn, unsuccessfully filed suit against him for damages in the Justice of the Peace Court. Paoli appealed to the Court of Common Pleas, which affirmed the J.P. Court judgment. Paoli then appealed to the Superior Court, which affirmed the judgment of the Court of Common Pleas. Glenn, in turn, filed suit against Paoli in the J.P. Court for summary possession and back rent. Glenn obtained a judgment against Paoli, which he then transferred to the Superior Court. The sheriff levied on Paoli’s mobile home and, at an auction held on January 16, 2008, Glenn purchased the mobile home.

(3) In this appeal, Paoli asserts several claims that may fairly be summarized as follows: the Superior Court abused its discretion when it a) denied her motion to vacate the sale of the mobile home at public auction; b) denied her motion for reargument of its order denying her motion to vacate;

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<sup>1</sup> On March 24, 2008, the Superior Court also denied Paoli’s motion for reconsideration of that order.

<sup>2</sup> Although the claims made in this appeal arise from two separate Superior Court cases (07J-08-181—the summary possession claims; 07A-02-001—the damage claims), we dispose of all such claims in this Order in the interests of justice and efficiency.

and c) affirmed the decision of the Court of Common Pleas, which affirmed the J.P. Court's denial of her damage claims against Glenn.

(4) The record reflects that the Superior Court affirmed the decision of the Court of Common Pleas on January 29, 2008. Paoli's notice of appeal was not filed in this Court until April 7, 2008. Supreme Court Rule 6 requires that Paoli's appeal had to have been filed within 30 days of the judgments below. As such, Paoli's appeal of the Superior Court's January 29, 2008 order is untimely and, therefore, must be dismissed.<sup>3</sup>

(5) Paoli's appeal of the Superior Court's February 15, 2008 order denying her motion to vacate and its April 3, 2008 order denying her motion for reconsideration is timely and, therefore, we will consider it on its merits.<sup>4</sup> There is no evidence that the Superior Court erred or abused its discretion when it denied Paoli's motions. To the contrary, the record reflects that, at the hearing on the motion to vacate the sale, the Superior Court was prepared to grant the motion as long as Paoli would satisfy the judgment against her. However, Paoli was unwilling to do so and, ultimately,

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<sup>3</sup> The record reflects that Paoli's motion for reconsideration of that order, which was filed on February 22, 2008, was itself untimely and, as such, did not serve to suspend the finality of the Superior Court's judgment. Super. Ct. R. 6 and 59(e); *Bowen v. E.I. duPont de Nemours and Co., Inc.*, 879 A.2d 920, 921-22 (Del. 2005).

<sup>4</sup> Paoli's motion for reconsideration, which was filed on February 22, 2008, was timely, thereby suspending the finality of the Superior Court's judgment.

abandoned her attempt to vacate the sale.<sup>5</sup> Under those circumstances, the Superior Court properly denied the motion. Because Paoli's motion to vacate was abandoned, there was nothing for the Superior Court to reconsider and, therefore, it also properly denied Paoli's motion for reconsideration.

NOW, THEREFORE, IT IS ORDERED that Paoli's appeal of the Superior Court's judgment in C.A. No. 07A-02-001 is DISMISSED as untimely. The judgment of the Superior Court in C.A. No. 07J-08-181 is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>5</sup> When Paoli was told the amount of interest she owed, she stated, "Oh, keep the mobile home." The Superior Court then denied her motion to vacate as abandoned.