

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEBORAH J. MAYHAN, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 18-355-RGA
 :
 SUNOCO, INC., :
 :
 Defendant. :

MEMORANDUM ORDER

At Wilmington this 12th day of January, 2022, having considered Plaintiff's motion to reopen the case (D.I. 62);

IT IS ORDERED that motion (D.I. 62) is **DENIED**, for the reasons that follow:

Plaintiff commenced this action on March 6, 2018. (D.I. 2) During the course of this litigation I have entered five show cause orders, all directed to Plaintiff. (D.I. 16, 19, 22, 52, 58) The last show cause order, entered on February 12, 2021, ordered Plaintiff to show cause or before March 12, 2021, why the Court should not enforce its January 16, 2020 Order (D.I. 47) compelling arbitration and placed Plaintiff on notice that her failure to respond to the Show Cause Order would be considered a failure to prosecute and would result in dismissal of the case.

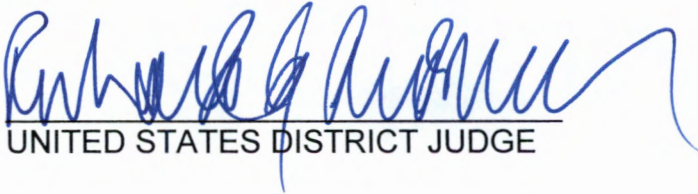
Plaintiff did not file a timely response to the Show Cause order, and on March 23, 2021, the Complaint was dismissed without prejudice for Plaintiff's failure to prosecute. (D.I. 60). On March 25, 2021, Plaintiff filed a belated response to the show cause order. (D.I. 61). Therein she stated that Defendant gave her incorrect information,

provided false statements to the Court, attempted to manipulate the Court by denying her due process, did not challenge any of the claims in the case, and that the case has been very stressful. (*Id.*).

On June 4, 2021, Plaintiff filed a motion to reopen the case due to a “death in the family.” (D.I 62 at 1). The funeral service was held in California on March 19, 2021. (D.I. 62-1 at 1). The motion also states that the order Plaintiff received indicates she was to file before March 26, 2021 and she filed on March 25, 2021. (D.I. 62 at 1).

Plaintiff’s is incorrect that her response to the show cause order was due by March 26, 2021. Plaintiff’s response was due on March 12, 2021. (D.I. 58). Her motion to reopen seems to imply that she did not file the response because she attended the funeral of a family member on March 19, 2021, one week after the filing deadline. She does not explain why March 19, 2021 funeral service affected her ability to file a response that was due one week earlier. Nor did Plaintiff seek an extension of time to file her response, a response that was filed almost two weeks late. On the other hand, she also seems to imply that she was mistaken as to when the response was due. In either event, Plaintiff then waited until June 4, 2021, more than two months later, to move to reopen the case.

Plaintiff provides no basis to reopen the case. Therefore, Plaintiff’s motion to reopen will be denied.



UNITED STATES DISTRICT JUDGE