

SUPERIOR COURT OF THE STATE OF DELAWARE

NVR, Inc. v. Pearce

NVR, Inc. v. Pearce · No. N24J-01786 FJJ; N24J-02658 FJJ · Decided March 6, 2026

SUMMARY

The Delaware Superior Court denied Zachary Pearce’s motion for reargument concerning the denial of his motion to vacate two confessed judgments. The court held that it had not misapprehended the effect of a prior Court of Chancery decision and that Pearce’s newly raised challenges regarding the personal guarantees and consideration were untimely and, in any event, lacked merit.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Francis J. Jones, Jr.
JURISDICTION	Delaware Superior Court
DECIDED	March 6, 2026
DOCKET	N24J-01786 FJJ; N24J-02658 FJJ
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Zachary Pearce moved for reargument of the court's February 25, 2026 opinion and order denying his motion to vacate two confessed judgments under Superior Court Civil Rule 60(b).
STANDARD OF REVIEW	A motion for reargument is generally denied unless the moving party shows that the court overlooked a precedent or legal principle with controlling effect, or misapprehended the law or facts in a manner affecting the outcome. The court does not reweigh evidence on reargument, and new arguments may not be raised for the first time.
PRECEDENTIAL VALUE	Published
PARTIES	Zachary J. Pearce, Robin Pearce v. NVR, Inc.

TOPICS

- motion for reconsideration
- civil procedure
- commercial litigation
- contracts
- consideration

PRACTICE AREAS

- civil procedure
- commercial litigation
- contracts

QUESTIONS PRESENTED

1. Whether the court had misapprehended the legal effect of the Delaware Court of Chancery's decision in *NVR, Inc. v. Spring Oaks Development Purchaser, LLC*.
2. Whether Pearce could raise for the first time on reargument the merits-based contention that the confessed judgments were invalid because there was no personal guarantee and no consideration flowing to him personally.
3. Whether Pearce's personal guarantees and the loan transaction supplied sufficient consideration for the confessed judgments.

HOLDINGS

1. Reargument was not warranted because the court had not misapprehended the facts or law concerning the legal effect of the Court of Chancery decision, which involved different legal entities and developments.
2. A party may not present new arguments for the first time in a motion for reargument; Pearce's newly raised challenge to the validity of the confessed judgments was untimely and was denied on that basis.
3. The confessed judgments were not invalid for lack of a personal guarantee or consideration because Pearce signed personal guarantees and the requirement and execution of those guarantees to obtain the loans supplied sufficient consideration for each confessed judgment.

KEY QUOTATIONS

“Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision.” (at 2)

“To the extent the moving Defendants asserted issues that were not raised in the submissions in support of its motion, new arguments may not be presented for the first time in a motion for reargument.” (at 2)

“A court cannot “re-weigh” evidence on a motion for reargument.” (at 2)

FACTUAL BACKGROUND

NVR obtained two confessed judgments involving Zachary Pearce, and Pearce sought to vacate them under Rule 60(b). The court determined that Pearce had signed personal guarantees, copies of which were attached to both complaints. The guarantees were required and given to obtain the loans underlying the confessed judgments.

PROCEDURAL HISTORY

The court previously denied Pearce's motion to vacate two confessed judgments. Pearce then moved for reargument, arguing that the court had misapprehended the effect of a Delaware Court of Chancery decision and asserting for the first time that the confessed judgments were invalid because he lacked a personal guarantee and had received no personal consideration. The Superior Court denied reargument.

DISPOSITION

other

CASES CITED

- NVR, Inc. v. Spring Oaks Development Purchaser, LLC, 2025 WL 3515356 (Del. Ch. 2025)

OPINION

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE NVR, Inc.,) Plaintiff,) v.) Case No.: N24J-01786 FJJ Zachary J. Pearce,) Defendant,) and NVR, Inc.,) Plaintiff,) v.) Case No.: N24J-02658 FJJ Zachary J. Pearce and Robin) Pearce,) Defendants,) ORDER On Defendant Zachary Pearce's Motion For Reargument Having considered Defendant, Zachary J. Pearce's Motion for Reargument it appears to the Court that: 1.

On February 25, 2026 this Court issued an Opinion and Order denying Defendant Zachary Pearce's Motion to Vacate Two Confessed judgments under Superior Court Civil Rule 60(b). 2. On February 26, 2026 Defendant filed a Motion for Reargument.

First, Pearce contends that this Court misapprehended the legal effect of the December 8, 2025 Delaware Court of Chancery decision in NVR, Inc. v Spring Oaks Development Purchaser, LLC. 1 Second, Pearce raises for the first time that the confessed judgment against him is invalid because of the absence of a personal guarantee and the lack of any consideration flowing to him personally.

3. The purpose of moving for reargument is to seek "reconsideration of findings of fact, conclusions of law, or judgment of law." "Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the decision." "A motion for reargument should not be used merely to rehash the arguments already decided by the court." To the extent the moving Defendants asserted issues that were not raised in the submissions in support of its motion, new arguments may not be presented for the first time in a motion for reargument.

A court cannot "re-weigh" evidence on a motion for reargument. 4. In its February 25, 2026 this Court laid out the reasons for the legal effect of the Court of Chancery decision. That decision involved different legal entities and different developments.

The Court did not 1 2025 WL 3515356 (Del.Ch. 2025). 2 misapprehend the facts or the law. 5. For the first time Defendant attacks the validity of the confessed judgment on the merits. This request is untimely and on that basis alone it is denied. Even if timely Defendant's arguments does not

prevail. Plaintiff has demonstrated that Defendant actually signed a personal guarantee copies of which were attached as exhibits to both complaints.

The fact that a personal guarantee was required and given to obtain the loan is sufficient consideration for each confessed judgment. As to this issue the Court has not misapprehended the facts or the law. For the foregoing reasons Defendant Zachary Pearce's Motion for Reconsideration be and hereby is DENIED this 6th day of March, 2026. IT IS SO ORDERED. /s/ Francis J. Jones, Jr. Francis J. Jones, Jr., Judge cc: File&ServeXpress 3