



property adjacent to 135 Bellanca Lane, New Castle, Delaware. Defendant stated that he was going to attack Defendant. Shortly thereafter Defendant “snuck up” behind Plaintiff and struck him several times in the head. Plaintiff suffered a black eye along with bruises to his arm, neck, head, right ear and jaw area. Plaintiff was taken by ambulance to a hospital. The hospital later sent Plaintiff to the Wilmington Dental Clinic.

Plaintiff further testified that, as a result of the injuries, Plaintiff’s jaw has a “clicking” feeling during cold weather that persists to this day. Also, Plaintiff was restricted to a diet of soft foods for a period of six weeks after the attack. A “stabbing pain” and “pressure” in Plaintiff’s jaw lasted for five weeks. There was bruising around Plaintiff’s right eye, right ear and right side of his neck that Plaintiff said, “looked horrible”. As a result of the injuries Plaintiff, for a time, was unable to lift his six year old son. Plaintiff also missed three days of work as a result of the injuries.

Testimony indicated that Plaintiff suffered the following losses:

Balance due on Hospital visit	\$218.45
Balance due for Ambulance Transportation	300.00
Wages lost (3 days @ \$10.25\hour	<u>248.40</u>
<i>Total Compensatory Damages sought</i>	\$766.85

As to Plaintiff’s request for damages for pain and suffering, the Court hereby awards Plaintiff Seven Thousand Five Hundred Dollars (\$7,500.00) in damages. Further, the Court awards Plaintiff One Thousand Dollars (\$1,000.00) in punitive damages.

The Court hereby directs the clerk to enter Judgment in favor of Plaintiff, Nicholas Snyder, and against Defendant, James J. Livesay as follows:

\$ 766.85	Compensatory Damages
7,500.00	Damages for Pain and Suffering
<u>1,000.00</u>	Punitive Damages
\$9,266.85	<i>Total amount</i>

Together with prejudgment interest from August 10, 2005 until October 6, 2006 and post judgment interest from October 7, 2006 until paid, both at the legal rate of interest. Plaintiff’s Court costs shall also be paid by Defendant.

**IT IS SO ORDERED** this 29<sup>th</sup> day of June, 2007.

---

Joseph F. Flickinger III  
Judge

