

**SUPERIOR COURT
of the
STATE OF DELAWARE**

**Susan C. Del Pesco
JUDGE**

**NEW CASTLE COUNTY COURTHOUSE
500 North King Street
Suite 10400
Wilmington, DE 19801
Phone: (302) 255-0659
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March 5, 2008

Michele D. Allen, Esq.
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1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801

Re: *Rossman v. Lincoln Property Co., Inc.*
C.A. No.: 06C-09-169 (SCD)

Dear Counsel:

I have reviewed the motion for summary judgment and the briefs which support and oppose the motion. As you know, this matter was scheduled for presentation on February 15, 2008, and continued by me.

The record provided, when viewed in a light most favorable to the plaintiff, is sufficient to create a fact issue on the claim of negligence, and the defenses of assumption of risk and comparative negligence.¹

Plaintiff is not required to provide expert testimony on issues which do not require specialized knowledge.² The liability theories here, related to leaf removal and adequacy of illumination, are not so clearly outside the scope of ordinary experience as to make expert testimony essential.

The motion for summary judgment is DENIED.

IT IS SO ORDERED.

Very truly yours,

Susan C. Del Pesco

SCD/msg
Original to Prothonotary

¹ Super. Ct. Civ. R. 56; *Merrill v. Crothall-American, Inc.*, 606 A.2d 96, 99 (Del. 1992).

² D.R.E. 701; *Money v. Manville Corp. Asbestos Comp. Trust Fund*, 596 A.2d 1372, 1375 (Del. 1991).