

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PHILLIP T. EDWARDS, ESQUIRE,	:	
Guardian <i>Ad Litem</i> of NAVAEH L.	:	C.A. No: K13C-10-017 RBY
DESHIELDS, a Minor Child,	:	In and for Kent County
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KIDDIE KOLLEGE INSTITUTE,	:	
	:	
Defendant.	:	

**ORDER**

Kiddie Kollege Institute (“Defendant”) has filed a Renewed Motion for Judgment as a Matter of Law pursuant to Superior Court Civil Rule 50(b). This motion comes after a jury returned a verdict in favor of Phillip Edwards, Esq., guardian *ad litem* of minor child Navaeh DeShields (“Plaintiff”) in a negligence action involving the abuse of the minor child in Defendant’s daycare. Under Rule 50(b), the Court does not weigh the evidence, but rather views the evidence in the light most favorable to the non-moving party, in this case Plaintiff.<sup>1</sup> In order for the Court to find in favor of Defendant, it must find that there is no legally sufficient evidentiary basis for a reasonable jury to find for Plaintiff.<sup>2</sup> Based upon the rulings the Court made prior to trial, during trial, and after thoroughly considering the evidence again, the Court finds no basis to support the Rule 50 motion.

The Court has previously found a basis to allow Plaintiff’s claims to proceed

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<sup>1</sup> *Atwell v. Rhis, Inc.*, 2007 WL 914648, at \*1 (Del. Super. Feb. 26, 2007).

<sup>2</sup> *Id.*

*Edwards v. Kiddie Kollege Institute*  
C.A. No.: K13C-10-017 RBY  
July 8, 2016

to the jury, and it continues to find that there is sufficient evidence to support the jury's verdict regarding those claims. The allegation that Plaintiff produced no evidence of causation of injury to the minor is without merit. While the existence of injury was certainly disputed, testimony did exist that the child had been subjected to some handling that a jury could conclude was abuse which caused injury. There was no testimony supporting a claim for permanency as such, but there was no separate verdict, or even argument, for future expenses.

For the foregoing reasons, Defendant's renewed motion for judgment as a matter of law is **DENIED**.

**SO ORDERED** this 8<sup>th</sup> day of July, 2016

/s/ Robert B. Young  
Judge

RBY/lmc

*Via File & ServeXpress*

oc: Prothonotary  
cc: Chase T. Brockstedt, Esq.  
Brian D. Kent, Esq. (via email)  
Jason M. Avellino, Esq.  
Gerard X. Smith, Esq. (via email)  
Opinion Distribution