

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

EVELYN M. BROWN-GORDON,)

Plaintiff,)

) C.A. No. N19C-12-255 MMJ

RACHEL H. LOUX and)
FRANCINE J. DUPONT,)

Defendants.)

ORDER

1. The Trial Scheduling Order in this case set a deadline of April 30, 2021 for Plaintiff to provide an expert report.

2. Plaintiff claims that Defendant Loux and Defendant DuPont negligently operated their motor vehicles in a manner proximately causing Plaintiff to suffer permanent personal injuries, pain and suffering, and past and future medical expenses.

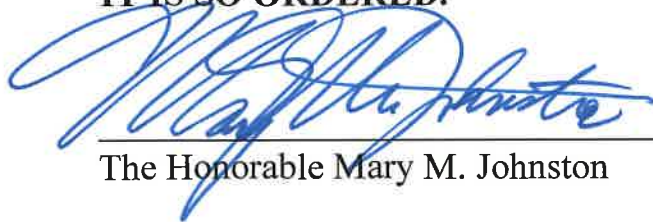
3. In order to establish a *prima facie* case, Plaintiff must offer expert testimony on proximate cause. *Money v. Manville Corp.*, 596 A.2d 1372, 1376-77 (Del. 1991).

4. Plaintiff's counsel was granted permission to withdraw from the case by Order dated July 6, 2020. Counsel for Defendant Loux notified Plaintiff's former counsel on October 30, 2020 that Defendant Loux and Plaintiff had entered into a settlement. The case against Defendant Loux was dismissed with prejudice by Order dated March 19, 2021.

5. Plaintiff has failed to identify an expert witness. Further, in her response to this Motion, Plaintiff has indicated that she wishes to proceed to trial against Defendant DuPont without expert testimony. In the absence of an expert testifying as to proximate cause linking Plaintiff's injuries to the alleged negligence, Plaintiff cannot prove causation and her complaint must be dismissed.

THEREFORE, Defendant DuPont's Motion to Dismiss is hereby **GRANTED.**

IT IS SO ORDERED.



The Honorable Mary M. Johnston

Dated: July 21, 2021