

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

**SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947**

October 11, 2005

Cynthia G. Beam, Esquire
Reger, Rizzo, Kavulich & Darnall, LLP
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801

Bruce A. Rogers, Esquire
Bruce A. Rogers & Associates
16 South Front Street
P.O. Box 876
Georgetown, DE19947

RE: Durnan v. Cahall & Sons, Inc.
C. A. No. 04C-03-018 THG

Dear Counsel:

Defendant has moved for partial summary judgment seeking to preclude Plaintiff from introducing medical bills that would normally be paid by PIP coverage.

The defense motion is brief and perhaps assumes the Court knows more than it does. If Plaintiff has insurance coverage, then the Defendant may be correct; but the defense has not presented the Court with anything as to coverage other than what the owner of the motorcycle expected or believed his coverage to be. Hopes and beliefs do not equate to coverage.

Since the Defendant has not established that the Plaintiff, as the operator of another person's motorcycle, had the necessary coverage, the Motion must be denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary