

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FRANCIS W. RAYFIELD, JR.,	§
and PANSY RAYFIELD,	§
	§ No. 434, 2003
Plaintiffs Below-	§
Appellants,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
JUNE POWER and THOMAS W.	§ in and for Sussex County
POWER,	§ C.A. No. 01C-08-016
	§
Defendants Below-	§
Appellees.	§

Submitted: November 3, 2003

Decided: December 2, 2003

Before **HOLLAND**, and **BERGER** and **STEELE**, Justices.

ORDER

This second day of December 2003, upon consideration of the appellants' opening brief and the appellees' motion to affirm, it appears to the Court that:

(1) The plaintiffs, Francis and Pansy Rayfield, filed this appeal from the Superior Court's order granting summary judgment to the defendants, June and Thomas Power. The Rayfields filed a complaint seeking damages for personal injuries allegedly caused by an automobile accident in which June Power struck the Rayfields' automobile after she

allegedly failed to yield the right of way while making a left-hand turn.¹ The Superior Court granted summary judgment to the Powers because the Rayfields had failed to offer any expert medical testimony in support of their complaint for damages.

(2) In order to survive the Powers' motion for summary judgment, the Rayfields were required to adequately establish all the elements essential to their case that they would have the burden of proving at trial.² In Delaware, in order to prevail in a negligence action, a plaintiff must prove by a preponderance of the evidence that the defendant's action breached a duty of care in a way that proximately caused injury to the plaintiff.³ With a claim for bodily injuries, the causal connection between the defendant's alleged negligent conduct and the plaintiff's alleged injury must be proven by the direct testimony of a competent medical expert.⁴ The Superior Court directed the Rayfields to identify their expert witness, but the Rayfields

¹ The Powers disputed the Rayfields' allegations and filed a counterclaim against Francis Rayfield, whom police had cited for improper passing on the shoulder pursuant to 21 Del. C. § 4117(a).

² *Burkhart v. Davies*, 602 A.2d 56, 59 (Del. 1991) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986)).

³ *Russell v. K-Mart Corp.*, 761 A.2d 1, 5 (Del. 2000).

⁴ *Money v. Manville Corp.*, 596 A.2d 1372, 1376-77 (Del. 1991).

failed to comply with the Superior Court's directives. Summary judgment, therefore, was appropriate.⁵

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

⁵ See *Reybold Group, Inc. v. Chemprobe Tech., Inc.*, 721 A.2d 1267, 1270-71 (Del. 1998).