

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANTHONY W. GUNZL,	§
	§ No. 552, 2003
Plaintiff Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
R & K MOTORS & MACHINE	§ in and for New Castle County
SHOP,	§ C.A. No. 02C-09-035
	§
Plaintiff Below-	§
Appellee.	§

Submitted: March 15, 2004

Decided: May 4, 2004

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

**ORDER**

This fourth day of May 2004, upon consideration of the opening brief and the appellee's motion to dismiss or, in the alternative, to affirm, it appears to the Court that:

(1) The plaintiff below, Anthony Gunzl, filed this appeal from a Superior Court jury's verdict in defendant's favor on Gunzl's claim for negligence. Gunzl's complaint sought damages in excess of \$100,000 for defendant R&K Motors & Machine Shop's negligent repair of a motor for a backhoe. R&K has filed a motion to dismiss the appeal or, in the alternative, affirm the Superior Court's judgment. We find it manifest on the face of

Gunzl's opening brief that the appeal is without merit. Accordingly, we affirm the Superior Court's judgment.

(2) R&K has moved to dismiss the appeal on the ground that Gunzl's opening brief fails to conform to the briefing requirements of Supreme Court Rule 14. Moreover, R&K asserts that, if an attorney had filed the opening brief, it would be stricken as unprofessional because it unfairly accuses R&K and its attorney of committing perjury. We agree with R&K's position that Gunzl's opening brief fails to conform to the requirements of Rule 14 and would be stricken as improper if filed by an attorney. Nonetheless, the Court affords self-represented litigants a degree of leniency in filing documents on appeal.<sup>1</sup> After reviewing Gunzl's opening brief, we find that it adequately sets forth substantive arguments to permit this Court to conduct a meaningful review of the merits of his claims on appeal. Accordingly, we deny R&K's motion to dismiss.

(3) In his opening brief, Gunzl raises three discernible issues. First, he challenges the Superior Court's pretrial rulings on discovery matters. Second, Gunzl appears to argue that the defendant's offer of judgment and alleged inconsistencies in the evidence establish that the jury's verdict was

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<sup>1</sup> *Yancy v. National Trust Co.*, 1998 WL 309819 (Del. May 19, 1998).

against the weight of the evidence. Third, Gunzl alleges that the defendant's witness and defendant's counsel committed perjury.

(4) After careful consideration of the parties' respective positions and the record below, we find it manifest on the face of Gunzl's opening brief that the judgment of the Superior Court must be affirmed. The Superior Court's pretrial discovery rulings were matters of judicial discretion and clearly there was no abuse of discretion in this case. Moreover, it is the jury's duty to weigh the evidence presented and to resolve any conflicts to determine if the plaintiff has met his burden of proof.<sup>2</sup> The evidence in this case clearly was sufficient to support the jury's verdict.<sup>3</sup>

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

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup> See *Tyre v. State*, 412 A.2d 326, 330 (Del. 1980).

<sup>3</sup> See Supr. Ct. R. 25(a)(ii).