

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

WILLIAM T. SCHWEIZER, MICHAEL	)	
J. LEWIS and PATRICIAL A.	)	
SCHWEIZER,	)	
	)	
Plaintiffs	)	
v.	)	C.A. No. N13C-07-239 MMJ
	)	
THOMAS C. HOFFMAN,	)	
	)	
Defendant	)	

Submitted: February 27, 2014
Decided: March 6, 2014

Upon Commissioner's Findings and Recommendations Recommend Judgment for
Plaintiffs

ADOPTED

ORDER

This 6th day of March, 2014, the Court has considered the Commissioner's Findings and Recommendations and such portions of the record as necessary.

Plaintiff's Motion for Entry of Default Judgment was entered against Defendant by Order dated October 3, 2013. The matter was set for a hearing to determine damages pursuant to Superior Court Civil Rule 55(b)(2). This matter was referred to Court Commissioner Michael P. Reynolds, pursuant to Superior Court Civil Rule 132(a)(4), for the purpose of conducting an Inquisition Hearing. The Inquisition Hearing was held on January 7, 2014. The Commissioner's

Findings and Recommendations were filed with the Prothonotary on or about February 10, 2014. Any party may serve and file written objections to the Commissioner's order within 10 days.¹ Objections have not been filed.

United Services Automobile Association ("USAA") filed a Motion to Intervene and Stay on January 15, 2014. USAA received notice of the January 7, 2014, Inquisition Hearing two months prior to the Hearing and did not participate. The Motion to Intervene and Stay was denied on February 27, 2014.

The Court holds that the Commissioner's Findings and Recommendations dated January 30, 2014, should be adopted for the reasons set forth therein. The Court clarifies that the Commissioner's findings of projected medical costs of \$111,200.00 are the projected *lifetime* medical costs—not the projected annual medical costs. The Commissioner's findings are not clearly erroneous, are not contrary to law, and are not an abuse of discretion.²

THEREFORE, the Commissioner's Findings and Recommendations are adopted by the Court.

IT IS SO ORDERED

/s/ Mary M. Johnston

The Honorable Mary M. Johnston

¹ Super. Ct. Civ. R. 132(a)(4).

² Super. Ct. Civ. R. 132(a)(3)(iv).