

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

|                     |   |                          |
|---------------------|---|--------------------------|
| MAUREEN LEYVA,      | ) |                          |
|                     | ) |                          |
| Appellant,          | ) |                          |
|                     | ) |                          |
| v.                  | ) |                          |
|                     | ) | C.A. No. N26A-02-001 CLS |
| JASON LEE KLINGMAN, | ) |                          |
|                     | ) |                          |
| Appellee.           | ) |                          |

Date Submitted: May 14, 2026  
Date Decided: August 25, 2026

**ORDER**

On this 25th day of August, 2026, upon consideration of Pro se Appellant Maureen Leyva’s Opening Brief on Appeal from the Court of Common Pleas, Appellee Jason Lee Klingman’s Answering Brief, Appellant’s Reply Brief, and the record on appeal, it appears to the Court that:

1. On July 17, 2025, Appellant filed this negligence action in the Court of Common Pleas stemming from a car accident in July 2024 between Appellant and Appellee, a front-loader truck driver for Republic/BFI Waste Services LLC. The Complaint avers that Appellant and Appellee collided while they were turning right on South Market Street from Martin Luther King Boulevard. Appellant alleges that Appellee’s operation of the truck violated “Amtrak and [f]ederal rules for weight

classifications and perceivably/potentially minimal bridge height clearance[.]”<sup>1</sup>  
Appellant does not identify what specific regulations Appellee’s truck violated in the Complaint.

2. Appellant served the first set of interrogatories on Appellee on September 1, 2025. Appellant then withdrew those interrogatories and served another set of interrogatories on Appellee on September 9, 2025, which requested specific truck measurements and that Appellee apply those measurements to Bridge formulas.

3. After Appellee objected to these interrogatories as calling for an expert opinion, Appellant filed a motion to compel responses. The court denied the motion to compel, agreeing with Appellee that expert testimony was required to show that the truck violated federal regulations.

4. On October 28, 2025, the trial court entered a civil case management order that required expert disclosures to be made by November 21, 2025. On December 5, 2025, Appellee filed a Motion for Summary Judgment because Appellant did not disclose an expert. Thereafter, upon Appellant’s request, the court granted an extension, requiring Appellant to disclose an expert by January 12, 2026.

5. On January 12, 2026, Appellant filed a letter with the trial court stating that she could not find an expert. In the letter, Appellant disclosed that she was not

---

<sup>1</sup> Compl., *Leyva v. Klingman*, CPU4-25-004513, ¶ 3 (Del. C.P. June 17, 2025).

“successful in finding an expert witness[.]”<sup>2</sup> Appellant explained that although she initially had difficulty retaining an expert, when she “came back a second time with more urgency and expression[,] . . . potential experts did work with [her] as much as possible[.]”<sup>3</sup> Appellant was unsuccessful, however, because the relief sought is “less, possibly many times less, than the costs of employing an expert witness[.]”<sup>4</sup>

6. The trial court held oral argument on the Motion for Summary Judgment on January 23, 2026. At the hearing, Appellant confirmed that she did not retain an expert, and the court dismissed the case.

7. In February 2026, Appellant filed a Notice of Appeal of the trial court’s January 23 decision.<sup>5</sup> On April 13, 2026, Appellant filed an Opening Brief.<sup>6</sup> On April 27, 2026, Appellee filed an Answering Brief.<sup>7</sup> On May 14, 2026, Appellant filed a Reply Brief.<sup>8</sup> The matter is now ripe for decision.

8. In reviewing appeals from the Court of Common Pleas, the Superior Court sits as an intermediate appellate Court.<sup>9</sup> “As a rule, issues not raised in the trial

---

<sup>2</sup> See generally Letter, *Leyva v. Klingman*, CPU4-25-004513 (Del. C.P. Jan. 12, 2026).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Notice of Appeal, D.I. 1.

<sup>6</sup> See generally Appellant’s Opening Br., D.I. 13.

<sup>7</sup> See generally Appellee’s Answering Br., D.I. 15.

<sup>8</sup> See generally Appellant’s Reply Br., D.I. 16.

<sup>9</sup> *Talley-Siders v. Mayhorn*, 2018 WL 5046095, at \*2 (Del. Super. Oct. 17, 2018) (citing *State v. Richards*, 1998 WL 732960, at \*1 (Del. Super. May 28, 1998)).

[c]ourt shall not be heard on appeal.”<sup>10</sup> This Court’s role is to “correct errors of law and to review the factual findings of the Court below to determine if they are sufficiently supported by the record and are the product of an orderly and logical deductive process.”<sup>11</sup> This Court does not sit as the trier of fact with the authority to weigh the evidence, determine questions of credibility, or make its own factual findings and conclusions.<sup>12</sup> Questions of law are reviewed *de novo*.<sup>13</sup>

9. Appellant argues that the trial court erred in granting Appellee’s Motion for Summary Judgment because an expert witness is not necessary to prove her claim.<sup>14</sup>

10. Under Court of Common Pleas Rule 56, “[s]ummary judgment is appropriate when ‘the pleadings, depositions, answer to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.’”<sup>15</sup>

---

<sup>10</sup> *Wais v. Thompson*, 2023 WL 2641489, at \*3 (Del. Super. Mar. 24, 2023) (citing *Wilmington Tr. Co. v. Conner*, 415 A.2d 773, 781 (Del. 1980)).

<sup>11</sup> *Id.* (quoting *Tekstrom, Inc. v. Salva*, 2006 WL 2338050, at \*4 (Del. Super. July 31, 2006), *aff’d*, 918 A.2d 1171 (Del. 2007)) (internal quotation marks omitted).

<sup>12</sup> *Coverdale v. Witcher*, 2022 WL 1438772, at \*4 (Del. Super. May 4, 2022) (citing *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965)).

<sup>13</sup> *Wais*, 2023 WL 2641489, at \*3 (citing *Downs v. State*, 570 A.2d 1142, 1144 (Del. 1990)).

<sup>14</sup> Appellant’s argument that it was unlawful for the trial court to agree with Appellee’s objections to the written interrogatories is now moot because the Court finds that it was not error to grant Appellee’s Motion for Summary Judgment.

<sup>15</sup> *Paolini v. Snyder’s Furniture, LLC*, 2022 WL 951346, at \*2 (Del. C.P. March 30, 2022) (quoting CCP Civ. R. 56).

11. To “prevail in a negligence action, a plaintiff must show by a preponderance of the evidence . . . that a defendant’s negligent act or omission breached a duty of care owed to plaintiff in a way that proximately caused the plaintiff’s injury.”<sup>16</sup>

12. Under Delaware law, “the violation of a statute, or regulation having the force of statute, enacted for the safety of others is negligence in law or negligence *per se*.”<sup>17</sup> While this includes violations of state and federal regulations, the plaintiff must establish that a violation occurred and that the violation caused the plaintiff’s injuries.<sup>18</sup>

13. Here, the trial court’s factual findings are sufficiently supported by the record, and the court did not err as a matter of law by granting Appellee’s Motion for Summary Judgment because there was no evidence that the truck violated any federal or state regulations, let alone caused Appellant’s alleged injuries.

14. Opinions “based on scientific, technical, or other specialized knowledge” can only be offered by an expert qualified under D.R.E. 702.<sup>19</sup> In other words, “if a

---

<sup>16</sup> *Newton v. Schoeneberger*, 2024 WL 1480568, at \*2 (Del. Super. Apr. 5, 2024) (quoting *Duphily v. Del. Elec. Co-op, Inc.*, 662 A.2d 821, 828 (Del. 1995)) (internal quotation marks omitted).

<sup>17</sup> *Price v. Blood Bank of Del., Inc.*, 790 A.2d 1203, 1212–13 (Del. 2002) (citing *Toll Bros., Inc. v. Considine*, 706 A.2d 493 (Del. 1998)).

<sup>18</sup> *Id.* at 1213 (citing *Sammons v. Ridgeway*, 293 A.2d 547 (Del. 1972); *Stanton by Brooks v. Astra Pharm. Prods., Inc.*, 718 F.2d 553, 564 (3d Cir. 1983); *Orthopedic Equip. Co. v. Eutsler*, 276 F.2d 455, 461 (4th Cir. 1960)).

<sup>19</sup> D.R.E. 701.

claim requires proof of facts that are ‘not within the common knowledge of laymen,’ those facts must be presented through competent expert testimony.”<sup>20</sup>

15. The Court finds that no genuine dispute of material fact exists as Appellant indicates in her Opening Brief that she did not retain an expert. Rather, it appears that Appellant’s position is that the trial court erred as a matter of law because an expert is not needed given that she was able to study and familiarize herself with the regulation formulas, Appellee could testify as an expert, or one should be provided to her by the trial court. Appellant’s arguments lack merit.

16. While Appellant does not specify what regulations the truck violated, federal weight regulations for commercial trucks are governed by CFR § 658.17, and Delaware weight regulations for commercial trucks are governed by 21 *Del. C.* § 4501.

17. Under CFR § 658.17(e),

[n]o vehicle or combination of vehicles shall be moved or operated on any Interstate highway when the gross weight on two or more consecutive axles exceeds the limitations prescribed by the following formula, referred to as the Bridge Gross Weight Formula:

$$W = 500 (LN/(N-1) + 12N + 36)$$

except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axle is 36 feet or more. In no case shall the total gross weight of a vehicle exceed 80,000 pounds.

---

<sup>20</sup> *X v. Parag*, 2026 WL 2168863, at \*1 (Del. Super. July 27, 2026) (quoting *Campbell v. DiSabatino*, 947 A.2d 1116, 1118 (Del. 2008)) (internal quotation marks omitted).

The provisions of Section 658.17 also indicate the maximum gross weight of commercial vehicles, axles, and tandem axles, in addition to exceptions to these limitations.

18. Under 21 *Del. C.* § 4501(a)(1), (f), it is “unlawful to operate any vehicle at a gross weight for which it is registered[.]” Section 4501 states the varying weight limitations based on the vehicle and what it is equipped with. In addition, enforcement of Delaware’s vehicle weight and size regulations is given to local authorities to issue special permits, impose fees, adopt regulations and policies, and to select equipment necessary for weighing purposes.<sup>21</sup>

19. Given that Appellant failed to provide any other evidence as to whether the truck violated these regulations, an expert is necessary to opine as to whether a violation occurred and whether the violation caused Appellant’s injuries. As Appellee points out, these regulations require technical knowledge “as to what calculations are applicable, what weights are to be considered in these calculations[,] and if a truck violates applicable regulatory parameters.”<sup>22</sup> This is further evidenced by the fact that enforcement is delegated to specific authorities. Consequently, the court did not err as a matter of law because the application of these regulations is not within the common knowledge of laymen.

---

<sup>21</sup> 21 *Del. C.* §§ 4504–08.

<sup>22</sup> Answering Br. at 10.

20. Moreover, even if the issue of whether Appellee could testify as an expert was raised below, there is no evidence on the record that Appellee is qualified as an expert to testify under D.R.E. 702. The trial court is also not obligated to provide Appellant with an expert.

21. In sum, it was not error for the court to grant Appellee's Motion for Summary Judgment given that Appellant fails to show that Appellee breached a duty or caused the collision absent an expert to testify as to whether the truck violated state and federal regulations pertaining to weight classifications. Thus, for the foregoing reasons, the judgment of the Court of Common Pleas is **AFFIRMED**.

**IT IS SO ORDERED.**

/s/ Calvin Scott  
Judge Calvin L. Scott, Jr.