

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HELEN HARVEY,

Plaintiff-Below,  
Appellant,

v.

NINA RINEHART,

Defendant-Below,  
Appellee.

No. 538, 1999

Court Below: Superior Court of  
the State of Delaware, in and  
for Sussex County  
C.A. No. 98-04-007

Submitted:

April 11, 2000

Decided:

April 27, 2000

Before **VEASEY**, Chief Justice, **WALSH** and **HARTNETT**, Justices.

**ORDER**

This 27th day of April, 2000, upon consideration of the briefs of the parties, it appears to the Court that:

1. This is a personal injury case which arose out of an automobile accident. The issue of liability was tried before the Superior Court on November 1, 1999. The jury found that the plaintiff, Helen Harvey, was 35 percent responsible for the accident and the defendant, Nina Rinehart, was 65

percent responsible for the accident. On November 2, 1999, the judge entered a directed verdict in favor of the defendant-Nina Rinehart on the issue of punitive damages and the jury awarded Harvey \$5,000 in compensatory damages.

2. The Superior Court's instructions to the jury were a correct statement of the law and were sufficiently supported by the evidence.

3. The Superior Court did not err in denying Harvey's motion for a directed verdict on the issue of comparative fault as there was sufficient evidence to submit the issue to the jury.

4. The Superior Court properly did not submit the issue of punitive damages to the jury because there was inadequate evidence of reckless indifference on behalf of Rinehart.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be, and the same hereby is,

**AFFIRMED.**

BY THE COURT:

/s/ Maurice A. Hartnett, III  
Justice