



11/08/95 STATE DELAWARE v. TRMI HOLDINGS

1995 | Cited 0 times | Superior Court of Delaware | November 8, 1995

Letter Opinion and Order on Plaintiff's Motion in Limine

This case concerns the State of Delaware's acquisition, through eminent domain, of Star Enterprises' property for public use and the compensation thereof.

The State moves the Court in limine to rule inadmissible Star's demonstrative and testimonial evidence regarding comparable sales on grounds that comparables are not similar in size. Such a determination is not ripe at this time. The admissibility of any comparable sales evidence, whether demonstrative or testimonial, is clearly a decision for the trial Judge.

Delaware Uniform Rule of Evidence 703 permits an expert to base his or her opinion on such evidence as long as the facts or data relied upon for the opinion are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences on the subject. The determination as to whether comparable sales not of similar size are "reasonably relied upon" is squarely upon the trial Judge.

The motion is denied without prejudice. IT IS SO ORDERED.

John E. Babiarz, Jr.

