



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

**LINDSEY WOLF, Individually, as
Administratrix of the Estate of
Sidney Wolf, deceased, and as next
friend of E.W. and H.W., minors,**

Plaintiffs,

v.

LYFT, INC., and, LAQUISE LEON,

Defendants.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff Lindsey Wolf, individually and as Administratrix of the Estate of Sidney Wolf, deceased, (hereinafter “Plaintiff”), is a citizen and resident of the State of Maryland, residing at 118 Upshire Circle, Gaithersburg, MD 20878.

2. Plaintiff’s decedent, Sidney Wolf (hereinafter “Mr. Wolf”), was a citizen and resident of the State of Maryland, residing at 118 Upshire Circle, Gaithersburg, MD 20878, at the time of his death on July 24, 2022.

3. Plaintiffs E.W. and H.W. are minors and are the natural children of Plaintiff’s decedent, Sidney Wolf.

4. Plaintiff Lindsey Wolf is the mother and next friend of the minors, E.W. and H.W. Minors E.W. and H.W. reside with Lindsey Wolf in the State of Maryland.

5. Defendant Laquise Leon (hereinafter “Defendant Leon”) is a resident of the State of Delaware, residing at Country Village Apartments, 468 Country Drive, Dover, DE 19901.

6. Defendant Lyft, Inc. (hereinafter “Lyft”) is incorporated in the State of Delaware and can be served by serving its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801. *[Plaintiffs demand pursuant to 10 Del.C. §3915 that any defendant denying this allegation do so under Affidavit so denying the existence of the corporation and further stating whether there is a corporation existing which has a relationship to the subject matter of this action.]*

7. In the early morning hours of July 24, 2022, Mr. Wolf was a passenger in a vehicle operated by Defendant Lyft’s driver, Defendant Laquise Leon.

8. As of July 24, 2022, Defendant Leon was an employee of Defendant Lyft. *[Plaintiffs demand pursuant to 10 Del.C. §3916 that any defendant denying this allegation do so under Affidavit].*

9. As of July 24, 2022, Defendant Leon was an actual agent of Defendant Lyft. *[Plaintiffs demand pursuant to 10 Del.C. §3916 that any defendant denying this allegation do so under Affidavit].*

10. As of July 24, 2022, Defendant Leon was an apparent agent of Defendant Lyft. *[Plaintiffs demand pursuant to 10 Del.C. §3916 that any defendant denying this allegation do so under Affidavit].*

11. At all relevant times, Defendant Leon was acting within the course and scope of her employment and/or agency of her principal, Defendant Lyft. *[Plaintiffs demand pursuant to 10 Del.C. §3916 that any defendant denying this allegation do so under Affidavit].*

12. Defendant Lyft is vicariously liable for the negligence of its actual and apparent agents, servants, and employees, including but not limited to Defendant Leon, and pursuant the doctrine of *respondeat superior*.

13. But for her agent, servant, and/or employment relationship with Defendant Lyft, Defendant Leon would not have been operating a vehicle with Mr. Wolf as a passenger on July 24, 2022.

14. At or about 1:19 am on July 24, 2022, Mr. Wolf's friend, Gregory Roberts used the Lyft app to request transportation services.

15. When Mr. Roberts requested transportation services using the Lyft app, he indicated he wished to be picked up at 2009 DE-1, Dewey Beach Delaware and dropped off at 635 Freeport Blvd. Bethany Beach, Delaware.

16. Defendant Lyft's algorithm matched his transportation request with Defendant Lyft's driver, Defendant Leon.

17. At all relevant times, Defendant Leon was employed by Defendant Lyft and was operating a mid-size sport utility vehicle without a third row, within the course and scope of her employment and in furtherance of the business interests of Defendant Lyft. *[Plaintiffs demand pursuant to 10 Del.C. §3916 that any defendant denying this allegation do so under Affidavit]*.

18. At or about 1:23 am on July 24, 2022, Defendant Leon picked up six adults, including Mr. Wolf and Mr. Roberts, and allowed them to enter her vehicle for the purpose of transporting them to their destination in Bethany Beach, DE.

19. Defendant Lyft encourages its users to bring friends on your ride and to “pile in” the Lyft vehicle.

20. Defendant Leon allowed five adults to sit in the backseat that was intended for three passengers and an additional adult in the front passenger seat.

21. Defendant Leon began transporting Mr. Wolf and the other passengers from 2009 DE-1, Dewey Beach, DE 19971 towards their destination in Bethany Beach, DE.

22. Defendant Leon operated the vehicle south on Delaware State Route 1 (Coastal Highway), which has two lanes of traffic travelling south and two lanes of traffic travelling north divided by a wide median with grass and other vegetation.

23. Most of Coastal Highway between Dewey Beach and Charles Cullen Memorial Bridge does not have any roadway lighting and traverses through an uninhabited state park.

24. While on this unlit pitch-black stretch of Coastal Highway, the passengers in the Lyft vehicle discovered that an approximately five-year old child was in the rear cargo space of the SUV and unrestrained.

25. Concerned for the child's safety, Mr. Wolf and his friends in the Lyft vehicle started asking the child questions.

26. As the Lyft passengers were talking to the child, Defendant Leon became infuriated and started yelling at and berating the Lyft passengers.

27. Without warning, Defendant Leon stopped the vehicle in the left lane of traffic.

28. Upon information and belief, Defendant Leon did not turn on the vehicle's hazard lights when she abruptly stopped the vehicle in the left lane of traffic.

29. Defendant Leon remained in the left lane of traffic and did not move the vehicle on to either the right shoulder or towards the center median on the left.

30. Upon stopping the vehicle, Defendant Leon repeatedly screamed at the Lyft passengers, "Get the f*** out of the car." [Expletive partially deleted].

31. Mr. Wolf and his friends expressed concern to Defendant Leon about her stopping the vehicle in a lane of traffic and abandoning the Lyft passengers in the middle of the unlit stretch of roadway in an uninhabited state park.

32. Mr. Wolf and his friends implored Defendant Leon to drive them to their destination or alternatively somewhere they could safely disembark and engage a separate Lyft ride.

33. However, Defendant Leon refused to continue the trip, continued to scream at the passengers, and demanded that the Lyft passengers, including Mr. Wolf, immediately exit the vehicle.

34. The Lyft passengers in the back seat attempted to open the rear driver's side door to exit the vehicle towards the center median.

35. When the Lyft passengers tried to open the Lyft vehicle's rear driver's side door it would not open and remained locked.

36. Because the Lyft vehicle's rear driver's side door would not open, the Lyft passengers, including Mr. Wolf, were forced to exit the vehicle through the front and rear passenger's side door, which placed them directly in the path of southbound vehicle traffic on Coastal Highway.

37. Mr. Wolf, seated closest to the rear passenger's side door, opened the door, and exited the vehicle first.

38. After exiting the vehicle through the only functioning door in the back seat, Mr. Wolf had to move a few steps from the vehicle to allow the other passengers to exit the vehicle as Defendant Leon was continuing to scream at the passengers to leave the car.

39. After exiting the vehicle Mr. Wolf was standing in the center of the southbound lanes of Coastal Highway in the path of vehicle traffic because of the position in which Defendant Leon stopped the vehicle.

40. Unexpectedly and without warning to Mr. Wolf, a vehicle travelling southbound on Coastal Highway struck Mr. Wolf.

41. Upon information and belief, due to the force of the collision, Mr. Wolf was launched into the air and landed ten to fifteen yards away.

42. Soon after Mr. Wolf was struck by the other vehicle, which was observed by Defendant Leon, Defendant Leon fled the scene of the crash.

43. At the scene of the crash at or about 1:55 am, Plaintiff's decedent was pronounced dead from multiple blunt force injuries.

44. Defendant Leon's negligence, carelessness, willfulness, wantonness, and/or recklessness includes one or more of the following:

- a. failing to properly operate and control the motor vehicle;
- b. operating the motor vehicle without due regard for the rights and safety of her passengers, including Sidney Wolf;
- c. operating her motor vehicle in such a manner as to cause injury

and death to Sidney Wolf;

- d. operating the vehicle with an unrestrained minor in the rear cargo space of the vehicle;
- e. allowing more passengers into the vehicle than available restraints;
- f. operating the vehicle with an unusable passenger door to allow for safe entry and exit of the vehicle;
- g. operating the vehicle as a Lyft driver and completing rides for Lyft passengers with a minor in the vehicle;
- h. stopping the motor vehicle in a lane of traffic on Coastal Highway;
- i. failing to turn on the vehicle's hazard lights after stopping in the lane of traffic on Coastal Highway;
- j. failing to maintain a proper look out;
- k. failing to stop the vehicle off the roadway and on the shoulder of Coastal Highway;
- l. failing to be attentive while operating the motor vehicle;
- m. stopping the motor vehicle in a lane of traffic on Coastal Highway for no apparent reason;
- n. stopping the motor vehicle in a lane of traffic on Coastal Highway with complete disregard for the safety of the passengers;
- o. forcing passengers out of the vehicle with complete disregard for their safety;
- p. forcing passengers out of car into a lane of traffic;

- q. failing to abide by traffic control devices, signals, and/or signs;
- r. failing to operate the motor vehicle according to the applicable ordinances and statutes of the State of Delaware;
- s. failed to obey the required traffic laws of the State of Delaware, in violation of 21 Del. C. § 4102 and the common law;
- t. operated the motor vehicle in a reckless manner with willful or wanton disregard for the safety of person or property, in violation of 21 Del. C. § 4175(a) and the common law;
- u. operated the motor vehicle in an aggressive manner, in violation of 21 Del. C. § 4175A and the common law;
- v. operated the motor vehicle in a careless and imprudent manner without due regard to road and traffic conditions then and there existing, in violation of 21 Del. C. § 4176(a) and the common law;
- w. failed to give full time and attention to the operation of the motor vehicle and/or failed to maintain a proper lookout while operating the motor vehicle, in violation of 21 Del. C. § 4176(b) and the common law;
- x. stopping, standing, and/or parking the vehicle upon the roadway of Coastal Highway when it was practical to stop, stand, or park off the roadway, in violation of 21 Del. C. § 4179 and the common law;
- y. operating the motor vehicle in a manner in violation of one of the provisions of Chapter 41 of the Delaware Code causing the death of Mr. Wolf, in violation of 21 Del. C. § 4176A;
- z. violating 21 Del. C. § 4102 and the common law by leaving the scene of a collision resulting in injury or death;
- aa. failing to exercise proper precaution; and,

bb. was otherwise negligent, careless, willful, wanton, and/or reckless as the discovery process will reveal.

45. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Leon, Plaintiff's decedent suffered serious bodily harm, personal injuries, pain, suffering, fright, and death.

46. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Leon, the Estate of Sidney Wolf incurred medical and other expenses.

47. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Leon, Plaintiff Lindsey Wolf and the two minor Plaintiffs incurred pain, suffering, mental anguish, emotional anguish and other injuries and damages.

48. At all relevant times, Defendant Leon was an employee and/or agent of Defendant Lyft and was acting within the course and scope of employment in the furtherance of Defendant Lyft's business.

49. Defendant Lyft's negligence, carelessness, willfulness, wantonness and/or recklessness, individually as a corporation and business, and by and through Defendant Leon, includes one or more of the following:

- a. failing to properly operate and control the motor vehicle;
- b. operating the motor vehicle without due regard for the rights and safety of her passengers, including Sidney Wolf;

- c. operating her motor vehicle in such a manner as to cause injury and death to Sidney Wolf;
- d. operating the vehicle with an unrestrained minor in the rear cargo space of the vehicle;
- e. allowing more passengers into the vehicle than available restraints;
- f. operating the vehicle with an unusable passenger door to allow for safe entry and exit of the vehicle;
- g. operating the vehicle as a Lyft driver and completing rides for Lyft passengers with a minor in the vehicle;
- h. stopping the motor vehicle in a lane of traffic on Coastal Highway;
- i. failing to turn on the vehicle's hazard lights after stopping in the lane of traffic on Coastal Highway;
- j. failing to maintain a proper look out;
- k. failing to stop the vehicle off the roadway and on the shoulder of Coastal Highway;
- l. failing to be attentive while operating the motor vehicle;
- m. stopping the motor vehicle in a lane of traffic on Coastal Highway for no apparent reason;
- n. stopping the motor vehicle in a lane of traffic on Coastal Highway with complete disregard for the safety of the passengers;
- o. forcing passengers out of the vehicle with complete disregard for their safety;

- p. forcing passengers out of car into a lane of traffic;
- q. failing to abide by traffic control devices, signals, and/or signs;
- r. failing to operate the motor vehicle according to the applicable ordinances and statutes of the State of Delaware;
- s. failed to obey the required traffic laws of the State of Delaware, in violation of 21 Del. C. § 4102 and the common law;
- t. operated the motor vehicle in a reckless manner with willful or wanton disregard for the safety of person or property, in violation of 21 Del. C. § 4175(a) and the common law;
- u. operated the motor vehicle in an aggressive manner, in violation of 21 Del. C. § 4175A and the common law;
- v. operated the motor vehicle in a careless and imprudent manner without due regard to road and traffic conditions then and there existing, in violation of 21 Del. C. § 4176(a) and the common law;
- w. failed to give full time and attention to the operation of the motor vehicle and/or failed to maintain a proper lookout while operating the motor vehicle, in violation of 21 Del. C. § 4176(b) and the common law;
- x. stopping, standing, and/or parking the vehicle upon the roadway of Coastal Highway when it was practical to stop, stand, or park off the roadway, in violation of 21 Del. C. § 4179 and the common law;
- y. operating the motor vehicle in a manner in violation of one of the provisions of Chapter 41 of the Delaware Code causing the death of Mr. Wolf, in violation of 21 Del. C. § 4176A;
- z. violating 21 Del. C. § 4102 and the common law by leaving the scene of a collision resulting in injury or death;

- aa. failing to exercise proper precaution;
- bb. improper training of Defendant Leon relating to the safe operation of the vehicle;
- cc. improper supervision and/or monitoring of Defendant Leon relating to her operation of the vehicle;
- dd. failing to select and retain employees, shareholders, servants and/or agents competent in safe driving and/or operating their vehicles;
- ee. failing to perform a proper background check on all agents and/or employees who operated vehicles on its behalf to ensure such persons were qualified and capable of such a task;
- ff. failing to formulate, adopt, and enforce adequate rules and policies with respect to the appropriate, lawful and safe manner of operating its vehicles;
- gg. failing to formulate, adopt and enforce adequate rules and policies to ensure persons were not injured due to the actions of its employees, servants, and/or agents involving the operation of a motor vehicle;
- hh. failing to properly train all persons who operated vehicles on its behalf;
- ii. entrusting the vehicle to Defendant Leon;
- jj. allowing Defendant Leon to operate the vehicle while working for Lyft with a minor in the vehicle;
- kk. allowing Defendant Leon to operate the vehicle while working for Lyft with an unrestrained minor in the trunk of the vehicle;
- ll. allowing Defendant Leon to complete rides for Lyft with more Lyft passengers than available safety restraints;

- mm. allowing Defendant Leon to operate a vehicle with an unusable passenger door to allow for safe entry and exit of the vehicle;
- nn. failing to adequately monitor Defendant Leon to ensure that she was complying with Lyft policies and/or procedures;
- oo. failing to adequately monitor Defendant Leon to ensure that she was complying with traffic laws;
- pp. failing to ensure that Defendant Leon was fit to operate the vehicle;
- qq. failing to formulate, adopt and enforce adequate rules and policies relating to safe motor vehicle operation regarding when and where to safely pull off the road;
- rr. failing to provide a mobile app with adequate safety features;
- ss. failing to provide adequate safety initiatives, and,
- tt. was otherwise negligent, careless, and/or reckless as the discovery process will reveal.

50. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, Plaintiff's decedent suffered serious bodily harm, personal injuries, pain, suffering, fright, and death.

51. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, the Estate of Sidney Wolf incurred medical and other expenses.

52. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, Plaintiff Lindsey Wolf and

the two minor Plaintiffs incurred pain, suffering, mental anguish, emotional anguish and other injuries and damages.

53. At all relevant times, Defendant Lyft acted and/or failed to act through its employees, agents, workers, servants, alter-egos, subsidiaries, and contractors, each and all of whom were acting within the scope of authority.

54. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, Plaintiff's decedent suffered serious bodily harm, personal injuries, pain, suffering, fright, and death.

55. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, the Estate of Sidney Wolf incurred medical and other expenses.

56. As a direct and proximate result of the aforementioned negligent, reckless, willful, and wanton conduct of Defendant Lyft, Plaintiff Lindsey Wolf and the two minor Plaintiffs incurred pain, suffering, mental anguish, emotional anguish and other injuries and damages.

57. Defendants are jointly and severally liable to Plaintiffs.

SURVIVAL ACTION

58. The preceding paragraphs are incorporated herein by reference as if fully set forth at length.

59. Defendants are jointly and severally liable to Plaintiffs.

60. As a direct and proximate result of the aforementioned joint and several negligent, reckless, willful, and wanton conduct of Defendants, Plaintiff's decedent suffered serious bodily harm and personal injuries, conscious pain and suffering, and severe fright and emotional distress.

61. As a further direct and proximate result of the joint and several negligent, reckless, willful, and wanton conduct of Defendants, Plaintiff incurred medical and other expenses for treatment to Plaintiff's decedent.

62. A claim against Defendants, jointly and severally, for damages sufficient to compensate Sidney Wolf for his conscious pain and suffering, severe fright, emotional distress, and medical expenses has survived to the Estate of Sidney Wolf and these damages are recoverable under 10 Del. C. § 3701, et. seq

WRONGFUL DEATH

63. The preceding paragraphs are incorporated herein by reference as if fully set forth at length.

64. Defendants are jointly and severally liable to Plaintiffs.

65. As a direct and proximate result of the joint and several negligent,

reckless, willful and wanton conduct of Defendants, Plaintiff's decedent sustained injuries which resulted in his death on July 24, 2022.

66. Plaintiff's decedent's death has proximately resulted in Plaintiff Lindsey Wolf and the minor Plaintiffs sustaining various damages, losses, and expenses pursuant to 10 Del. C. § 3724, including the following:

- a. the deprivation of the expectation of pecuniary benefits that would have resulted from the continued life of Sidney Wolf;
- b. the loss of contributions for support;
- c. the loss of household services;
- d. the cost of reasonable funeral expenses; and,
- e. mental and emotional anguish.

67. Plaintiff's decedent's death has proximately resulted in Plaintiff Lindsey Wolf and the minor Plaintiffs suffering the loss of the society, companionship, love, comfort, and affection of Plaintiff's decedent Sidney Wolf.

WHEREFORE, Plaintiffs demands judgment in her favor and against Defendants, jointly and severally, for general damages, special damages, punitive damages, the cost of this action, pre-judgment interest pursuant to Title 6 of the Delaware Code, post-judgment interest, and any other relief this Court deems just.

SHELSEBY & LEONI, P.A.

BY: /s/Robert J. Leoni

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