

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

WESLEY TOWNSEND,
Plaintiff,

v.

CITY OF REHOBOTH BEACH,
Defendant.

C.A. No. _____

COMPLAINT

Plaintiff Wesley Townsend ("Plaintiff"), by and through undersigned counsel, brings this Complaint against Defendant City of Rehoboth Beach ("Defendant" or "the City"), and alleges as follows:

NATURE OF THE ACTION

1. This action arises from injuries sustained by Plaintiff following repeated exposure to certain multicolored pedestrian crosswalks installed, maintained, and controlled by the City of Rehoboth Beach.
2. Plaintiff is a 48-year-old husband, father of two, and regional sales representative residing in Annapolis, Maryland, who has traveled to Rehoboth Beach for approximately two weeks each June for at least eight consecutive years for legitimate and, until recently, largely unquestioned business purposes.
3. On or about June 18, 2026, Plaintiff was proceeding on foot to a sales meeting when he encountered one of Defendant's multicolored pedestrian crosswalks in the vicinity of Baltimore Avenue.
4. Plaintiff entered the crosswalk believing it to be an ordinary pedestrian traffic-control device.
5. It was not.
6. Almost immediately upon entering the crosswalk, Plaintiff experienced severe confusion, loss of directional awareness, impaired judgment, memory disruption, and an inexplicable inability to locate either his intended sales meeting or a televised football game.
7. Plaintiff's next clear recollection is being inside the Blue Moon, where he was surrounded by several attentive male strangers who, apparently recognizing Plaintiff's compromised condition, provided him with cocktails, companionship, and other emergency assistance while attempting to determine where he belonged.
8. Plaintiff remained in this impaired condition until approximately 9:40 p.m., when his wife, Susan Townsend, unexpectedly entered the establishment.

9. Upon seeing his wife, Plaintiff experienced an immediate but temporary return of cognitive function, followed almost immediately by loss of consciousness.
10. Subsequent investigation has revealed deeply troubling evidence that the June 18 incident may not have been Plaintiff's first exposure-related episode.
11. Plaintiff has since been presented with photographic evidence depicting him in Rehoboth Beach in June 2023 with at least one of the same individuals who rendered assistance on June 18, 2026, despite Plaintiff having no independent recollection of previously meeting that individual.
12. When shown said photograph, Plaintiff stated, "Oh my God. This goes back further than I thought."
13. Still more troubling, Plaintiff's wife subsequently produced photographic evidence apparently depicting Plaintiff inside Woody's, an establishment located in Philadelphia, Pennsylvania, during a 2015 regional Republican conference.
14. Plaintiff has since learned that rainbow-colored pedestrian markings existed in the immediate vicinity of 13th and Locust Streets in Philadelphia during the relevant period.
15. Plaintiff recalls departing the conference but has little or no recollection of the events immediately preceding the taking of said photograph.
16. Plaintiff therefore has reasonable grounds to believe that his condition may be recurring, geographically widespread, and substantially more serious than initially understood.
17. The City knew or reasonably should have known that pedestrians encountering unusually colorful geometric patterns in a public right-of-way could become distracted, confused, disoriented, unusually sociable, thirsty, unable to locate sporting events, or otherwise diverted from their intended destinations.
18. Nevertheless, Defendant failed to provide Plaintiff or similarly situated pedestrians with any warning whatsoever.
19. At no point did Plaintiff observe signage advising him that crossing the subject intersection could result in memory loss, marital discord, unexpected friendships, unexplained photographs, or the discovery by one's spouse of previously undisclosed real estate holdings.
20. As a direct and proximate result of Defendant's acts and omissions, Plaintiff has suffered substantial emotional distress, reputational injury, marital difficulties, counseling expenses, lost productivity, and an increasingly complicated series of conversations with his wife.

PARTIES

21. Plaintiff Wesley Townsend ("Plaintiff" or "Townsend") is a natural person, 48 years of age, residing with his wife and family in Annapolis, Maryland.
22. Plaintiff is employed as a regional sales representative and, in connection with that employment, has traveled to Rehoboth Beach, Delaware, for approximately two weeks each June for at least eight consecutive years.

23. Plaintiff maintains that each such trip was undertaken for legitimate business purposes.
24. Defendant City of Rehoboth Beach ("Defendant" or "the City") is a municipal corporation organized and existing under the laws of the State of Delaware.
25. At all times relevant hereto, Defendant owned, operated, maintained, approved, controlled, painted, repainted, and/or otherwise exercised authority over the pedestrian crosswalks located within the City, including the multicolored crosswalks located at or near Baltimore Avenue.
26. Upon information and belief, Defendant selected the colors, configuration, placement, and continued existence of the subject crosswalks knowingly and voluntarily.

JURISDICTION AND VENUE

27. This Court has subject matter jurisdiction over this action pursuant to the Constitution and laws of the State of Delaware.
28. Venue is proper in Sussex County because Defendant is located within Sussex County and the acts, omissions, injuries, confusion, disorientation, unexpected social encounters, and subsequent marital difficulties giving rise to this action occurred, in substantial part, within Sussex County.
29. Plaintiff seeks monetary damages within the jurisdiction of this Court together with appropriate equitable and injunctive relief.

FACTUAL ALLEGATIONS

30. Plaintiff incorporates by reference Paragraphs 1 through 29 as though fully set forth herein.
31. For at least eight years preceding the incident giving rise to this action, Plaintiff traveled annually from Annapolis to Rehoboth Beach during the month of June.
32. These trips generally lasted approximately fourteen days.
33. Plaintiff's wife did not ordinarily accompany him.
34. Plaintiff characterizes these trips as "sales trips."
35. On or about June 18, 2026, Plaintiff departed for what he recalls to have been a scheduled sales meeting.
36. While proceeding on foot near Baltimore Avenue, Plaintiff encountered a pedestrian crossing painted in multiple bright colors and maintained by Defendant.
37. Plaintiff had received no warning that the crosswalk differed in any material respect from an ordinary pedestrian crossing.
38. Plaintiff entered the crosswalk.
39. Shortly thereafter, Plaintiff became confused and disoriented.

40. Plaintiff experienced significant impairment of his sense of direction and was unable to locate his intended sales meeting.
41. Plaintiff also formed the mistaken belief that he was attempting to locate a sports bar broadcasting a football game.
42. It was June.
43. Plaintiff presently has no explanation for Paragraph 41.
44. Plaintiff's next substantially clear recollection is being inside the Blue Moon, an establishment located in Rehoboth Beach.
45. Plaintiff was at that time accompanied by several men, including an individual subsequently identified as "Trevor."
46. Plaintiff alleges that these individuals were strangers who apparently encountered Plaintiff while he was in a confused and vulnerable state.
47. Plaintiff further alleges that said individuals acted as Good Samaritans by escorting him to a safe location, remaining with him, and providing him with beverages for purposes of hydration.
48. Plaintiff has been informed that at least two of those beverages contained vodka.
49. Plaintiff cannot presently explain why one or more of the alleged strangers appeared to know his first name.
50. Plaintiff further cannot explain why Trevor allegedly knew Plaintiff's preferred vodka.
51. Plaintiff anticipates that discovery will clarify these matters.
52. At approximately 9:40 p.m., Plaintiff's wife, Susan Townsend, entered the Blue Moon after traveling unexpectedly from Annapolis to surprise her husband.
53. Upon seeing Mrs. Townsend, Plaintiff became visibly distressed and asked, in substance, "Susan? Oh my God. Where am I?"
54. Plaintiff thereafter lost consciousness for a brief period.
55. Upon regaining consciousness, Plaintiff advised his wife that he believed he had been attempting to locate a football game.
56. Mrs. Townsend informed Plaintiff that it was June.
57. Plaintiff responded, "Preseason?"
58. In the days following the incident, Mrs. Townsend discovered photographs depicting Plaintiff with Trevor during an earlier visit to Rehoboth Beach.
59. At least one such photograph was dated June 2023.

60. Plaintiff has no independent recollection of the circumstances depicted in the photograph.

61. When presented with the photograph, Plaintiff stated, "Oh my God. This goes back further than I thought."

62. Further investigation revealed a photograph apparently depicting Plaintiff inside Woody's in Philadelphia, Pennsylvania, in 2015.

63. Plaintiff recalls being in Philadelphia at that time to attend a regional Republican conference.

64. Plaintiff has since learned that Philadelphia maintained rainbow-colored pedestrian markings at or near 13th and Locust Streets during the relevant period.

65. Plaintiff believes this evidence substantially corroborates his contention that the June 18, 2026 incident was neither isolated nor voluntary.

66. Plaintiff presently does not know how many similar incidents may have occurred.

67. Plaintiff presently does not know how many American municipalities maintain similar crosswalks.

68. Plaintiff finds both questions increasingly alarming.

69. Plaintiff has further learned during the investigation of this matter that he is alleged to own a condominium in Rehoboth Beach.

70. Mrs. Townsend has represented that she had no prior knowledge of said condominium.

71. Plaintiff, through counsel, respectfully submits that ownership of said condominium is outside the scope of this action.

72. Mrs. Townsend apparently disagrees.

73. Defendant provided no signs, barriers, notices, pamphlets, public-service announcements, flashing lights, informed-consent forms, or other warnings advising Plaintiff of the alleged risks associated with traversing the subject crosswalks.

74. Had Plaintiff been adequately warned, he could have selected another route, remained on the opposite side of Baltimore Avenue, requested transportation, attended his sales meeting remotely, or stayed home with his wife.

75. Plaintiff alleges that Defendant's failure to warn deprived him of the opportunity to make an informed pedestrian decision.

COUNT I NEGLIGENCE

76. Plaintiff incorporates Paragraphs 1 through 75 as though fully set forth herein.

77. Defendant owed Plaintiff and other pedestrians a duty to exercise reasonable care in the design, installation, maintenance, and operation of public pedestrian crossings.

78. Defendant knew or reasonably should have known that the unusual combination of bright colors and geometric patterns employed in the subject crosswalks could present risks not associated with conventional white-striped pedestrian crossings.

79. Defendant nevertheless permitted pedestrians, including Plaintiff, to encounter said crosswalks without warning.

80. Defendant failed to conduct adequate testing concerning possible effects including confusion, disorientation, impaired directional judgment, memory disruption, unexpected thirst, spontaneous socializing, inability to locate football games, and unexplained familiarity with men named Trevor.

81. Defendant further failed to investigate whether repeated exposure could result in cumulative effects.

82. Plaintiff's photographic history suggests that such cumulative effects cannot presently be ruled out.

83. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered emotional distress, embarrassment, loss of productivity, marital discord, counseling expenses, reputational harm, and substantial difficulty explaining several years of photographic evidence.

84. Plaintiff's damages are ongoing.

COUNT II FAILURE TO WARN

85. Plaintiff incorporates Paragraphs 1 through 84 as though fully set forth herein.

86. Defendant knew or should have known of the potential risks presented by the subject crosswalks.

87. Defendant nevertheless failed to place adequate warnings at or near the affected intersections.

88. No sign warned Plaintiff that proceeding across the intersection could result in disorientation, memory impairment, involuntary changes in social behavior, unexplained bar tabs, newly discovered friendships, or difficult questions from one's spouse.

89. No warning advised pedestrians that effects might recur annually.

90. No warning advised Plaintiff that similar infrastructure might exist in Philadelphia.

91. Indeed, until preparation of this litigation, Plaintiff had no reason to investigate the nationwide prevalence of rainbow-colored crosswalks.

92. Plaintiff has now done so.

93. Plaintiff describes the results of that investigation as "deeply concerning."

94. Had an adequate warning been provided, Plaintiff would have avoided the subject crosswalk and thereby avoided the injuries complained of herein.

95. Defendant's failure to provide such warning was a direct and proximate cause of Plaintiff's damages.

COUNT III
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

96. Plaintiff incorporates Paragraphs 1 through 95 as though fully set forth herein.
97. Defendant's conduct exposed Plaintiff to circumstances resulting in severe emotional distress.
98. Such distress substantially increased following Mrs. Townsend's discovery of the 2023 photograph.
99. Plaintiff's distress increased further following discovery of the 2015 Philadelphia photograph.
100. Plaintiff's distress increased substantially further upon learning that City personnel apparently recognized Plaintiff by name.
101. Plaintiff's distress increased yet again when an employee of the Blue Moon reportedly responded to an inquiry concerning this litigation by asking, "Wait, Wes is married?"
102. Plaintiff anticipates that additional discovery may cause further emotional distress.
103. Plaintiff respectfully reserves the right to amend this Complaint should additional photographs surface.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Wesley Townsend respectfully requests that this Court enter judgment in his favor and against Defendant City of Rehoboth Beach and:

- A. Award Plaintiff compensatory damages in the amount of **\$2,500,000.00**;
- B. Award damages for emotional distress, reputational injury, lost wages, counseling expenses, marital discord, and other injuries proven at trial;
- C. Enter appropriate injunctive relief requiring Defendant to provide adequate warnings at the subject pedestrian crossings;
- D. Require Defendant to undertake reasonable investigation into the alleged cognitive and behavioral effects of repeated exposure to multicolored pedestrian infrastructure;
- E. Award Plaintiff pre- and post-judgment interest as permitted by law;
- F. Award Plaintiff his costs incurred in bringing this action; and
- G. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

PEMBERTON, HALL & FELLOWES, LLC

By: _____

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Dated: August __, 2026