

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                     |   |                             |
|---------------------|---|-----------------------------|
| CITY OF WILMINGTON, | ' | No. 160, 2000               |
|                     | ' |                             |
| Plaintiff Below,    | ' | Court Below: Superior Court |
| Appellant,          | ' | of the State of Delaware in |
|                     | ' | and for New Castle County   |
| v.                  | ' |                             |
|                     | ' | C.A. No. 99T 12 019         |
| ROBERT P. KAHN,     | ' |                             |
|                     | ' |                             |
| Defendant Below,    | ' |                             |
| Appellee.           | ' |                             |

Submitted: October 11, 2000

Decided: October 12, 2000

Before **WALSH, HOLLAND** and **STEELE**, Justices.

***ORDER***

This 12<sup>th</sup> day of October, the Court, having carefully considered the decision and judgment of the Superior Court dated March 31, 2000 together with the briefs of the parties, has determined as follows:

To the extent that: (a) the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; (b) the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; (c) the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied. Moreover, even if the Superior Court had erred, any such error was harmless.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele

Justice