

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE

KEVIN CONAWAY and)
DEBRA CONAWAY)

Plaintiffs,)

vs.)

ROSIBEL GARCIA,)

Civil Action No. 03C-01-132-JRJ

Defendant/Third Party Plaintiff)

vs.)

NICOLE MUELLER)

Third Party Defendant.)

ORDER

AND NOW TO WIT, this 2nd day of September, 2005, the Court having duly heard and considered Defendant/Third Party Plaintiff, Rosibel Garcia's Motion for Relief from Stipulation of Dismissal, and the opposition thereto, **IT IS HEREBY ORDERED THAT** the Motion is **GRANTED** pursuant to Superior Court Civil Rule 60(b). It is clear the parties never entered into any agreement regarding, or intended the stipulation to affect, Ms. Garcia's personal injury claims. The Court finds excusable neglect and therefore will allow Defendant/Third Party Plaintiff Garcia to amend the stipulation of dismissal to specifically exclude Ms. Garcia's personal injury

claims against Nicole and Melissa Mueller. To rule otherwise would result in manifest injustice - a result the Court cannot countenance.

Jan R. Jurden, Judge