

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONALD M. TUTKO,	§	
	§	No. 348, 2000
Plaintiff Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
CONRAIL, INC., a Pennsylvania	§	in and for New Castle County
corporation, and CSX CORPORATION,	§	C.A. No. 98C-08-161
a Virginia corporation,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: February 21, 2001

Decided: February 26, 2001

Before **VEASEY**, Chief Justice, **WALSH** and **BERGER**, Justices.

ORDER

This 26th day of February, 2001, the Court, having considered this matter on the arguments and briefs of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Superior Court in its decision of June 21, 2000,

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is

AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice