IN THE SUPREME COURT OF THE STATE OF DELAWARE

§	
§	No. 620, 2007
§	
§	Court Below – Superior Court
§	of the State of Delaware
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§	C.A. No. 05C-06-012
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Submitted: July 23, 2008 Decided: July 29, 2008

Before HOLLAND, BERGER and RIDGELY, Justices.

ORDER

This 29th day of July 2008, the Court having considered this matter after oral argument and on the briefs filed by the parties has determined that the final judgment of the Superior Court should be affirmed on the basis of and for the reasons assigned by the Superior Court in its Memorandum Opinion dated September 27, 2007 and its letter decision dated October 31, 2007.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED. The cross-appeal is moot.

BY THE COURT:

/s/ Randy J. Holland Justice