

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM SPENCER and	§
KATHLEEN SPENCER, his wife,	§
	§ No. 557, 2007
Plaintiffs Below,	§
Appellants,	§ Court Below: Superior Court of
	§ the State of Delaware in and for
v.	§ New Castle County
	§
AGGREGATE INDUSTRIES, INC.,	§ C.A. No. 05C-09-166
a Delaware Corp., and AGGREGATE	§
INDUSTRIES MANAGEMENT,	§
INC., a Delaware Corp.,	§
	§
Defendants Below,	§
Appellees,	§
Cross-Appellants,	§
	§
v.	§
	§
AIR LIQUIDE INDUSTRIAL U.S. LP,	§
	§
Third Party Defendant	§
Below,	§
Appellee.	§

Submitted: August 20, 2008

Decided: August 26, 2008

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 26<sup>th</sup> day of August 2008, upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the judgment of

the Superior Court should be affirmed on the basis of and for the reasons set forth in its decision dated September 19, 2007.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice