

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD HESS and
DAWN HESS,

Defendants Below,
Appellants,

v.

JOHN KUHN and
BARBARA KUHN,

Plaintiffs Below,
Appellees.

§
§ No. 32, 2000
§
§ Court Below—Court of Chancery
§ of the State of Delaware,
§ in and for New Castle County
§ C.A. No. 17112
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Submitted: November 14, 2000
Decided: November 29, 2000

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

O R D E R

This 29th day of November, 2000, the Court having considered this matter on the basis of the original briefs and supplemental memoranda filed by the parties, has determined that: to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; and to the extent that the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied. Therefore, this Court has concluded that the judgment of the Court of Chancery dated December 21, 1999 should be

affirmed on the basis of and for the reasons assigned by the Court of Chancery dated December 10, 1999 on the record and in an order after remand dated August 16, 2000.

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

BY THE COURT:

Randy J. Holland
Justice