

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| THE ESTATE OF HERBERT MITCHELL | § | |
| | § | |
| Claimant Below-Appellant | § | No. 634, 2012 |
| | § | |
| v. | § | Court Below: Superior Court of the State of Delaware in and for Sussex County |
| | § | |
| ALLEN FAMILY FOODS, | § | C.A. No. S12A-05-001 |
| | § | |
| Employer Below-Appellee | § | |
| | § | |

Submitted: March 1, 2013
Decided: March 20, 2013

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

On this 20th day of March 2013, the Court having considered this matter on the briefs 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 decision dated November 28, 2012.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice