

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

SAM GLASSCOCK III
VICE CHANCELLOR

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Date Submitted: February 25, 2014

Date Decided: February 26, 2014

James Deakyne
323D Rehoboth Avenue
Rehoboth Beach, Delaware 19971

Cynthia Beam
Law Office of Cynthia G. Beam
Christiana Executive Campus
131 Continental Drive, Suite 407
Newark, Delaware 19713

Re: Vansant v. Ocean Dunes Condominium Council Inc.,
Civil Action No. 8700-VCG

Dear Counsel:

This Letter Opinion addresses the Plaintiffs' Motion to Expedite in way of a hearing on preliminary injunctive relief. In order to demonstrate entitlement to expedited relief, a plaintiff need only show a colorable claim; a threat of imminent, irreparable harm; and that the harm threatened justifies the expense of expedition.

This matter involves disputed rights to the use of an easement or right of way in Rehoboth Beach. The Plaintiffs claim a right to use the entire fifty feet width of the right of way in question: the Defendants claim an exclusive easement over twenty feet of the right of way for purposes of parking. The Plaintiffs have met the very low standard for demonstrating a colorable claim. Moreover, interference with a property right constitutes irreparable harm. However, the irreparable harm threatened is slight, since the Plaintiffs still have the ability to

access their properties across the right of way. Acknowledging this, the Plaintiffs suggest irreparable harm is threatened since the paved portion of the roadway is eleven feet wide and will not allow emergency vehicles to pass other vehicular traffic in the right of way. This, however, would be the case regardless of the Defendants' use of the easement. After examining the affidavits submitted by the parties, it appears that two vehicles may pass one another in the right of way regardless of the Plaintiffs' use of the easement, although one would, of necessity, have to yield the pavement. Accordingly, I do not find the irreparable harm threatened sufficient to justify expedition. However, I anticipate that a limited record will be sufficient to take this matter to a swift hearing on the Plaintiffs' request for a permanent injunction. To the extent the foregoing requires an Order to take effect, IT IS SO ORDERED.

Sincerely,

/s/ Sam Glasscock III

Sam Glasscock III