

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

T. HENLEY GRAVES  
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE  
ONE THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947

August 24, 2010

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**Re: 84 Lumber Co. v. White-Partain, et al.**  
**C.A. No. S08L-11-015 THG**

On Plaintiff's Motion for Summary Judgment: DENIED  
On Defendants/Third Party Plaintiffs' Motion for Summary Judgment: DENIED

Date Submitted: August 3, 2010

Date Decided: August 24, 2010

Dear Counsel:

As counsel are aware, on July 29, 2010, The Honorable Richard F. Stokes issued a decision in a related matter, *84 Lumber Co. v. Derr, et al.*, C.A. No. S08L-11-014. By way of that decision, Judge Stokes denied the cross motions for summary judgment filed on behalf of Plaintiff 84 Lumber Co. and Defendants/Third Party Plaintiffs Shane M. Brice and Brice Builders, Inc.

The issues presented in the case pending before the Court today are identical to those considered by Judge Stokes. Therefore, for the reasons articulated in Judge Stokes's well-reasoned opinion, Plaintiff 84 Lumber Co.'s Motion for Summary Judgment is denied and Defendants/Third Party Plaintiffs Shane M. Brice and Brice Builders, Inc.'s Motion for Summary Judgment is denied. The matter will go forward as scheduled.

Very truly yours,

/s/ T. Henley Graves

oc: Prothonotary