

IN THE SUPREME COURT OF THE STATE OF DELAWARE

W. FRANCIS GALLEN and)
STEPHANIE A. GALLEN,) No. 311, 2003
)
Defendants Below,) Court Below: Superior Court
Appellants,) of the State of Delaware in
) and for New Castle County
v.)
) C.A. No. 02T-04-015
NEW CASTLE COUNTY,)
)
Plaintiff Below,)
Appellee.)
)
and SMP CAPITAL TRUST)
)
Intervenor Below,)
Appellee.)
)
)

Submitted: November 4, 2003
Decided: November 12, 2003

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

ORDER

This 12th day of November, 2003, upon consideration of the briefs of the parties, and given our standard of review 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 Opinion dated May 27, 2003.

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

BY THE COURT:

/s/ Myron T. Steele
Justice