

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DOROTHY MCDERMOTT, )  
 ) No. 494, 2008  
 Defendant Below, )  
 Appellant, ) Court Below: Superior Court  
 v. ) of the State of Delaware in  
 ) and for New Castle County  
 )  
 THE CITY OF WILMINGTON, ) C.A. No. 08T-02-074  
 a municipal corporation of the State )  
 of Delaware, )  
 )  
 Plaintiff Below, )  
 Appellee. )  
 ----- )  
 ALLIED SANITATION CO., INC., )  
 )  
 Defendant Below, )  
 Appellant, )  
 v. )  
 )  
 THE CITY OF WILMINGTON, a )  
 municipal corporation of the State )  
 of Delaware, )  
 )  
 Plaintiff Below, )  
 Appellee. )

Submitted: April 15, 2009

Decided: April 21, 2009

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

***ORDER***

This 21<sup>st</sup> day of April 2009, 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 Order dated August 26, 2008.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice