

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS D. ROBERTS,	§	
	§	
Plaintiff Below,	§	No. 6, 2009
Appellant,	§	
	§	
v.	§	Court Below – Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
DAYSTAR SILLS, INC.,	§	C.A. No. 05C-04-189
DIAMOND HILL f/d/b/a	§	
CRYSTAL CONCRETE, INC., and	§	
POLAR MECHANICAL, INC.,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: April 22, 2009

Decided: April 23, 2009

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

ORDER

This 23rd day of April 2009, the Court having considered this matter on the briefs filed by the parties 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 December 8, 2008.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice