

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH SCALIA,

Plaintiff,

v.

SAMUEL ROMIROWSKY, PhD.,

Defendant.

§

§ No. 15, 2010

§

§ Court Below – Superior Court

§ of the State of Delaware

§ in and for New Castle County

§ C.A. No. 09C-03-230

§

§

Submitted: September 1, 2010

Decided: September 2, 2010

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

**ORDER**

This 2nd of September 2010, the Court having considered this matter after oral argument, has determined that it is manifest on the face that the appeal is without merit because: to the extent the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; to the extent the errors alleged on appeal are attributed to an abuse of discretion, the record does not support those assertions; and to the extent that the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied. Therefore, this Court has concluded 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 bench rulings dated July 29, 2009 and December 9, 2009.

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