

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH W. HABBART,	§	
	§	No. 146, 2003
Plaintiff Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Superior Court
	§	of the State of Delaware
LIBERTY MUTUAL FIRE	§	in and for New Castle County
INSURANCE COMPANY,	§	C.A. No. 00C-12-169
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: September 3, 2003

Decided: September 4, 2003

Revised: September 5, 2003

Before **VEASEY**, Chief Justice, **HOLLAND**, **BERGER**, **STEELE** and **JACOBS**  
Justices, constituting the Court *en Banc*.

ORDER

This 5<sup>th</sup> day of September, 2003, the Court, having considered this matter after oral argument and on the briefs of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Superior Court in its order dated February 20, 2003,

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

AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice