

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MUMFORD AND MILLER	§	
CONCRETE, INC. and ST. PAUL	§	
COMPANIES f/k/a UNITED	§	
STATES FIDELITY AND	§	
GUARANTY COMPANY,	§	
	§	No. 578, 2002
Defendants Below,	§	
Appellants,	§	Court Below: Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
STRUCTA-BOND, INC.,	§	C. A. No. 98C-10-327
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: June 16, 2003

Decided: July 2, 2003

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

ORDER

This 2nd day of July 2003, the Court, having carefully considered the decision and judgment of the Superior Court dated September 17, 2002, together with the briefs of the parties, has determined that to the extent that (a) the issues raised on appeal are factual, the record evidence supports the factual findings; (b) the errors alleged on appeal are asserted to be an abuse of discretion, the record does not support those assertions; and (c) the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED** on the basis of, and for the reasons set forth, in its decision dated September 17, 2002.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice