

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROSEMAY HERRMANN,)
) C.A. No. 217, 2011
 Defendant Below)
 Appellant,) Court Below: Court of
) Chancery of the State of Delaware
 v.)
) C.A. No. 4973
)
 THE TOWN OF OCEAN VIEW,)
 A Political Subdivision of the)
 State of Delaware,)
)
 Plaintiff Below,)
 Appellee.)

Submitted: November 23, 2011
Decided: December 9, 2011

Before **STEELE**, Chief Justice, **BERGER, JACOBS, RIDGELY**, Justices and **VAUGHN**, President Judge* constituting the *Court en Banc*.

ORDER

This 9th day of December 2011, the Court, having carefully considered the decision and judgment of the Court of Chancery dated March 30, 2011 together with the briefs of the parties and their contentions in oral argument, has determined as follows:

To the extent that (a) the issues raised on appeal are factual, the record evidence supports the trial judge's factual findings; (b) the errors alleged on appeal are attributed

* Sitting by designation pursuant to Del. Const. Art. IV §12.

to an abuse of discretion, the record does not support those assertions; (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 Court of Chancery is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice