

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|------------------------------------|---|----------------------------------|
| STATE OF DELAWARE, <i>ex rel</i> , | § | |
| M. Jane Brady, Attorney General | § | No. 389, 2000 |
| of the State of Delaware, | § | |
| | § | |
| Plaintiff Below, | § | Court Below: Superior Court |
| | | of |
| Appellant, | § | the State of Delaware in and for |
| | § | New Castle County |
| v. | § | |
| | § | C.A. No.98C-02-135 |
| ALFRED GARDINER, JR. and | § | |
| MILFORD MOTORS, INC., | § | |
| | § | |
| Defendants Below, | § | |
| Appellees. | § | |

Submitted: May 8, 2001
Decided: May 10, 2001

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

ORDER

This 10th day of May 2001, the Court, having carefully considered the decision and judgments of the Superior Court dated June 5, 2000 and July 11, 2000, together with the briefs filed by the parties, 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 to 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**.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice