

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HEATHER ELDER, )  
 ) No. 383, 2012  
 Plaintiff Below, )  
 Appellant, ) Court Below: Superior Court  
 ) of the State of Delaware in  
 v. ) and for New Castle County  
 )  
 DOVER DOWNS, INC., ) C.A. No. N11C-05-094  
 )  
 Defendant Below, )  
 Appellee. )

Submitted: November 14, 2012  
Decided: December 11, 2012

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

***ORDER***

This 11<sup>th</sup> day of December 2012, the Court, having carefully considered the decision and judgment of the Superior Court dated July 2, 2012 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; (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/ Myron T. Steele  
Chief Justice