

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CITY OF WILMINGTON,

Plaintiff Below,
Appellant,

v.

ROBERT P. KAHN,

Defendant Below,
Appellee.

No. 160, 2000

Court Below: Superior Court
of the State of Delaware in
and for New Castle County

C.A. No. 99T 12 019

Submitted: October 11, 2000

Decided: October 12, 2000

Before **WALSH, HOLLAND** and **STEELE**, Justices.

ORDER

This 12th day of October, the Court, having carefully considered the decision and judgment of the Superior Court dated March 31, 2000 together with the briefs of 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. Moreover, even if the Superior Court had erred, any such error was harmless.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is **AFFIRMED**.

BY THE COURT:

/s/ Myron T. Steele

Justice