

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SHERIDAN LANE,	§
	§
Plaintiff Below-	§ No. 51, 2004
Appellant,	§
	§
v.	§
	§
DEPARTMENT OF COMMUNITY	§ Court Below—Superior Court
DEVELOPMENT AND HOUSING	§ of the State of Delaware,
f/k/a NEW CASTLE COUNTY	§ in and for New Castle County
DEPARTMENT OF COMMUNITY	§ C.A. No. 03E-10-177
DEVELOPMENT AND HOUSING,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: September 10, 2004

Decided: October 14, 2004

Before **HOLLAND, BERGER,** and **JACOBS,** Justices.

**ORDER**

This 14<sup>th</sup> day of October 2004, upon consideration of the appellant’s opening brief and the appellee’ motion to affirm, it appears to the Court that:

(1) The plaintiff-appellant, Sheridan Lane, filed this appeal from the Superior Court’s order dismissing his complaint on statute of limitations grounds. The appellee, Department of Community Development and Housing (“the County”), has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Lane’s opening brief that his appeal is without merit. We agree and affirm.

(2) The record reflects that Lane filed his complaint on October 20, 2003 alleging claims for breach of contract and debt against the County. The alleged breach of contract related to events that occurred between June 1993 and August 1997 with respect to Lane's former residence. The record reflects that, on August 6, 1997, Lane accepted a settlement proposal from the County and signed an agreement that constituted "a full and final settlement of any and all claims" that Lane could assert against the County with respect to the demolition of his former residence and any obligation that the County might have concerning relocation or other assistance.

(3) The County filed a motion to dismiss Lane's claims on the ground that, by signing the settlement agreement, he had waived any and all claims against the County regarding the demolition of his former residence. The County further argued that Lane's claim for damages was barred by the three year limitations period of 10 *Del. C.* § 8106. Lane filed a response to the motion to dismiss. He argued that the County did not pay him the appropriate amount in 1997 for the demolition of his property and that he was "blamelessly ignorant" of his cause of action against the County until 2001.

(4) The Superior Court held a hearing on the motion to dismiss. At the conclusion of the hearing, the judge held that Lane could and should

have known of any potential cause of action against the County in 1997 prior to his signing of the settlement agreement. Thus, Lane's complaint should have been filed by 2000, at the latest. The Superior Court, therefore, granted the County's motion to dismiss on the ground that Lane had failed to file his complaint within the three year limitations period of 10 *Del. C.* § 8106.

(5) Having carefully considered the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned decision entered January 12, 2004. The Superior Court did not err in concluding that Lane's claims were barred by the statute of limitations.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice