

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELMARVA POWER & LIGHT	§	
COMPANY,	§	
	§	No. 536, 2003
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
BURNS & McBRIDE, INC.,	§	C. A. No. 01C-01-23
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: November 17, 2004
Decided: November 18, 2004

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

ORDER

This 18th day of November 2004, upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the order of the Superior Court denying the appellant's Motion For Judgment As a Matter of Law or, Alternatively, For a New Trial, should be affirmed on the basis of and for the reasons set forth in its opinion dated September 30, 2003.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice