

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JESSE MILLMAN, Husband and
Administrator of the Estate of
ELIZABETH MILLMAN, and Father
and Administrator of the Estate of
TAMARA WIERS,

Plaintiffs Below,
Appellants,

v.

TOWN OF MILTON and TOWN OF
MILTON POLICE DEPARTMENT,

Defendants Below,
Appellees.

No. 450, 1999

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

C.A. No. 98C-06-003

Submitted: April 18, 2000

Decided: April 18, 2000

Before **VEASEY**, Chief Justice, **HARTNETT** and **BERGER**, Justices.

ORDER

This 18th day of April 2000, it appearing from the briefs submitted by the parties and the record in the Superior Court that the judgment of the Superior Court entered September 9, 1999, upon the grant of summary judgment for defendants-appellees should be affirmed on the basis that recovery here is barred by the public duty doctrine set forth in *Castellani v. Delaware State Police*, Del. Super., C.A. No. 97C-08-040 RRC, Cooch, J. (July 15, 1999) (ORDER); *aff'd*, Del. Supr., No. 344, 1999, Holland, J. (Dec. 9, 1999) (ORDER),

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

AFFIRMED.

BY THE COURT:

E. Norman Veasey
Chief Justice