

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MIROSLAW E. KOSTYSHYN,	§
	§ No. 374, 2006
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
THE COMMISSIONERS OF THE	§ C.A. No. 05A-05-014
TOWN OF BELLEFONTE,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: September 5, 2006

Decided: October 3, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**

This third day of October 2006, the Court has considered the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a) and finds it to be manifest on the face of the appellant’s opening brief that this appeal is without merit for the reasons stated by the Superior Court in its decision dated June 13, 2006. We conclude that there was no error or abuse of discretion on the part of the Superior Court in denying the appellant’s motion for reargument.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice