

IN THE SUPREME COURT OF THE STATE OF DELAWARE

| | |
|------------------------|--------------------------------|
| KATRINA KOSTIC-LAHLOU, | § |
| | § No. 317, 2006 |
| Petitioner Below- | § |
| Appellant, | § |
| | § Court Below—Family Court |
| v. | § of the State of Delaware |
| | § in and for New Castle County |
| ARMIN KOSTIC, | § File No. CN03-10735 |
| | § Petition No. 03-37296 |
| Respondent Below- | § |
| Appellee. | § |

Submitted: October 10, 2006
Decided: December 1, 2006

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

ORDER

This 1st day of December 2006, upon consideration of the appellant’s opening brief and the appellee’s motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The petitioner-appellant, Katrina Kostic-Lahlou (“Wife”), filed an appeal from the Family Court’s May 18, 2006 order denying her motion for reargument of the Family Court’s March 17, 2006 order regarding property division. The respondent-appellee, Armin Kostic (“Husband”), has moved to affirm the judgment of the Family Court on the ground that it is manifest on the face of the opening brief that the appeal is without merit.

We agree and AFFIRM.

(2) In this appeal, Wife claims that the Family Court incorrectly weighed the evidence presented at the property division hearing in awarding her only 57.5% of the marital assets and attributing to her 42.5% of the marital debt. Specifically, Wife argues that the Family Court abused its discretion when it: a) deemed Husband's student loan to be a marital debt; b) credited her with a 2004 tax refund; c) assigned an improper value to the marital residence; and d) assigned an improper value to the marital car.

(3) This Court's review of an appeal from a property division order of the Family Court extends to a review of the facts and the law as well as the inferences and deductions made by the trial judge.¹ This Court will not disturb findings of fact unless they are clearly wrong and justice requires that they be overturned.² This Court will not substitute its own opinion for the inferences and deductions made by the trial judge if they are supported by the record and are the product of an orderly and logical deductive process.³ On appeal from the denial of a motion for reargument this Court reviews whether the trial court improperly failed to reconsider its decision and correct any legal or factual errors prior to an appeal.⁴

¹ *Wife (J.F.V.) v. Husband (O.W.V., Jr.)*, 402 A.2d 1202, 1204 (Del. 1979).

² *Solis v. Tea*, 468 A.2d 1276, 1279 (Del. 1983).

³ *Id.*

⁴ *Bowen v. E.I. duPont de Nemours and Co., Inc.*, 879 A.2d 920, 921 (Del. 2005).

(4) While Wife takes issue with the Family Court's property division decision, she fails to identify any factual findings or inferences made by the Family Court that are "clearly wrong," unsupported by the record or illogical. In essence, she asks this Court to substitute its own opinion for the factual findings and deductions made by the Family Court, which would be an improper exercise of this Court's appellate jurisdiction. Our independent review of the transcript of the Family Court hearing reveals no error or abuse of discretion on the part of the Family Court and, therefore, no basis for reversal of the Family Court's decision. As such, the Family Court's denial of Wife's motion for reargument of that decision also must be affirmed.

(5) It is manifest on the face of the appellant's opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the motion to affirm is GRANTED. The judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice