

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANIEL J. CAPUTO, SR., and PASQUALE CAPUTO,	§ § No. 95, 2013 §
Plaintiffs Below, Appellants, and	§ Court Below – Superior Court § of the State of Delaware, § in and for New Castle County § C.A. No. N10C-19-192 §
JOHN S. SPADARO,	§ §
Appellant,	§ §
v.	§ §
KIRKWOOD FITNESS CLUBS, INC.,	§ § §
Defendant Below, Appellee, and	§ § § §
THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY,	§ § § § § §
Appellee.	§

Submitted: July 24, 2013
Decided: July 24, 2013

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

ORDER

This 24th day of July 2013, the Court having considered this matter on the briefs filed by the parties has determined that the final judgment of

the Superior Court dismissing the Complaint should be affirmed on the basis of and for the reasons stated in the Superior Court's decisions dated April 15, 2011 and February 28, 2013. We have also determined that the Superior Court's judgment dismissing the Rule to Show Cause should be affirmed on the basis of and for the reasons stated in its decision dated March 1, 2013.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgments of the Superior Court are affirmed.

BY THE COURT:

/s/ Randy J. Holland
Justice