

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------------------------|---|--------------------------|
| JENNIFER F. DIVITA, Individually and | § | |
| as Administratrix of the Estate of | § | No. 225, 2014 |
| BENNY DIVITA II, Deceased, and as | § | |
| Parent and Next Friend of | § | |
| BECKETT DIVITA, a Minor, | § | Court Below: |
| | § | |
| Plaintiff Below, | § | Superior Court |
| Appellant, | § | of the State of Delaware |
| | § | in and for Sussex County |
| | § | |
| v. | § | C.A. No. S10C-03-030 |
| | § | |
| BAYHEALTH MEDICAL CENTER, INC. | § | |
| (at Kent General Hospital), a | § | |
| Delaware Corporation, | § | |
| | § | |
| Defendant Below, | § | |
| Appellee. | § | |

Submitted: November 12, 2014
Decided: November 13, 2014

Before **STRINE**, Chief Justice, **RIDGELY**, and **VALIHURA**, Justices.

ORDER

This 13th day of November 2014, upon consideration of the briefs and arguments of the parties and the record below, it appears to the Court that the Appellant raises one argument on appeal. Appellant argues that the Superior Court erred when it admitted into evidence a video animation showing the regurgitation and aspiration of a person’s stomach contents into his lungs. Appellant claims that

the admission into evidence of the video animation was untimely, speculative and prejudicial. We find that the Superior Court did not abuse its discretion when admitting the evidence on the basis of and for the reasons assigned by the Superior Court in its Order dated April 14, 2014.

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

BY THE COURT:

/s/ Karen L. Valihura
Justice