

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
(302) 856-5257

September 18, 2012

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Re: *Brebner v. Wilmington Insurance Co.*;
C.A. No. S11C-02-030

Dear Counsel:

Defendant's Motion for Re-Argument is denied. I am satisfied I did not overlook something that would have changed the outcome of the Court's September 4, 2012, decision on the cross-motions for summary judgment. *McElroy v. Shell Petroleum, Inc.*, 618 A.2d 91 (Del. 1992).

You both made your positions clear. I ruled that the radiator did not fall into the water pipe limitation of loss. I also ruled that, to the extent this was an ambiguity, the confusion would require a ruling against the insurer.

Henceforth, the insurer can make it clear as to the loss limitation.

The motion to re-argue is denied.

IT IS SO ORDERED.

Very truly yours,

T. Henley Graves

oc: Prothonotary