

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEITH D. PUGH,	§	
	§	No. 473, 2014
Plaintiff-Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware, in
v.	§	and for New Castle County
	§	
SCOTT SLOVER,	§	C.A. No. 09C-07-255-MMJ
	§	
Defendant-Below,	§	
Appellee.	§	

Submitted: May 13, 2015
Decided: May 14, 2015

Before **STRINE**, Chief Justice; **HOLLAND** and **VALIHURA**, Justices.

ORDER

The sole claim raised by the appellant in this appeal is that the Superior Court erred by instructing the jury that if it concluded that the appellee, Scott Slover, was in an emergency situation, the circumstances of that situation should be taken into account in determining whether Slover breached the relevant standard of care. For the reasons articulated by the Superior Court in its memorandum opinion dated August 12, 2014 denying appellant’s motion for a new trial,¹ the Superior Court’s decision to issue the jury instruction was proper.

¹ *Pugh v. Davis*, 2014 WL 4057772 (Del. Super. Aug. 12, 2014).

NOW, THEREFORE, IT IS HEREBY ORDERED that the August 12, 2014 judgment of the Superior Court dismissing appellant's motion for a new trial is AFFIRMED.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice