

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARCHIE SIMMONS, JR.,	§	
	§	No. 701, 2014
Plaintiff-Below, Appellant,	§	
	§	Court Below: Superior Court
v.	§	of the State of Delaware,
	§	in and for New Castle County
CYNTHIA H. PRUITT, ESQUIRE,	§	
and DOROSHOW, PASQUALE,	§	
KRAWITZ & BHAYA,	§	C.A. No. N13C-07-076 (EMD)
	§	
Defendants-Below, Appellees.	§	

Submitted: June 24, 2015

Decided: June 24, 2015

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

**ORDER**

This 24th day of June 2015, upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) The appellant in this case concedes that the resolution of his appeal depends on this Court's decision in another case pressed by the appellant's counsel, *Blue Hen v. Little Sisters of the Poor*.<sup>1</sup> The appellant here suffered a dismissal of his claim for malicious prosecution when the Superior Court, as in *Blue Hen*, refused to extend the tort of malicious prosecution to cover a situation when the plaintiff had probable cause to pursue litigation in good faith in the first instance but at

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<sup>1</sup> *Blue Hen Mech., Inc. v. Christian Bros. Risk Pooling Trust*, 2015 WL 3745640 (Del. June 15, 2015).

some point later in the litigation allegedly came to lack a good faith basis to persist in pressing his claims.

(2) Because we affirmed the Superior Court's decision in *Blue Hen*, the appellant has conceded that his present appeal must be rejected and the stipulation for summary judgment and accompanying order of the Superior Court must be affirmed.

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

BY THE COURT:

/s/ Leo E. Strine, Jr.  
Chief Justice