## SUPERIOR COURT OF THE STATE OF DELAWARE

WILLIAM C. CARPENTER, JR.  $\label{eq:JUDGE} \text{JUDGE}$ 

NEW CASTLE COUNTY COURTHOUSE 500 NORTH KING STREET, SUITE 10400 WILMINGTON, DE 19801-3733 TELEPHONE (302) 255-0670

August 21, 2013

H. Garrett Baker, Esquire Elzufon, Austin, Tarlov & Mondell 300 Delaware Avenue, 17<sup>th</sup> Floor Wilmington, DE 19899-1630

William Rimmer, Esquire Heckler & Frabizzio 800 Delaware Avenue, Suite 200 P.O. Box 128 Wilmington, DE 19899

Steve Mones, Esquire The Freibott Law Firm 1711 East Newport Pike Wilmington, DE 19804

RE: Delaware Supermarkets (Travelers) v. Sarne and Delaware Supermarkets (PMA)
C.A. No. N12A-09-003 WCC

Submitted: July 8, 2013 Decided: August 21, 2013

On Appellee PMA's Motion for Oral Reargument. **DENIED**.

## Dear Counsel:

The Court is in receipt of Appellee PMA's Motion for Oral Reargument in the above-captioned case. In essence, the Appellee asserts that the Court went beyond the role it appropriately plays in considering appeals of the Industrial Accident Board. The Court has reviewed the Motion as well as the previous Opinion issued on June 28, 2013 and does not believe it has misapprehended the law or facts or overlooked

a controlling precedent or legal principle that would justify reconsideration of the Opinion. The Court believes it has appropriately and fairly considered the issues on appeal and has exercised its jurisdiction and authority properly. As such, Appellee PMA's Motion for Oral Reargument is hereby DENIED.

The Court also notes that the argument set forth in Appellee's Motion concerning 19 *Del. C.* § 2327(a) is not a matter raised on appeal and therefore the Court will not take any additional argument on that request. If you have some concern regarding PMA's responsibility as to the amount of compensation to be paid to the employee, you should take that up with the Industrial Accident Board by filing the appropriate petition.

As a result, the Motion filed on behalf of PMA is hereby denied.

IT IS SO ORDERED this 21st day of August, 2013.

/s/ William C. Carpenter, Jr.

Judge William C. Carpenter, Jr.

WCCjr:cjr

cc: Christy Magid, Case Manager