

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES J. ROBINO,

Defendant Below,  
Appellant,

v.

FRANK ROBINO, III,

Plaintiff Below,  
Appellee.

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No. 453, 2017

Court Below—Court of Chancery  
of the State of Delaware

C.A. No. 10871

Submitted: April 11, 2018

Decided: April 12, 2018

Before **STRINE**, Chief Justice; **SEITZ** and **TRAYNOR**, Justices.

**ORDER**

This 12<sup>th</sup> day of April, 2018, after careful consideration of the parties' briefs and the record on appeal, the Court concludes that the judgment below should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its well-reasoned decision dated August 16, 2017. The appellant's contention that the Court of Chancery should have conducted an evidentiary hearing to assess his claim that he was incapacitated by intoxication when he participated in the mediation that resulted in the settlement agreement at issue was not fairly presented to the Court of Chancery for its consideration in the first instance and need not be considered in this appeal. It is clear, however, that the Court of Chancery did not abuse its discretion

when it ruled on the appellee's motion to enforce the settlement agreement without an evidentiary hearing.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice