

DENNIS C. HUDSON, DENISE  
LYNN DUTTON, JUAN  
LOPEZ, and HOMERO  
and MARIA RAMIREZ,

V.

Defendant Below,  
Appellee, and

Nominal Defendants  
Below, Nominal  
Appellees,

C.A. No: 2021-0800

Decided: January 30, 2023

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

## **ORDER**

This 30<sup>th</sup> day of January 2023, after consideration of the parties' briefs and the record on appeal, it appears to the Court that:

1. This order incorporates the factual background and reasoning set forth in our order, filed today, in *JMER Properties, LLC v. Del. Dep't of Transp.*, No. 225, 2022 (the "JMER Order").

2. When, as described in the JMER Order, the Court of Chancery dismissed JMER's action as unripe, it also dismissed a similar action brought by the appellants—a group of homeowners who reside near the Medings' property—against the same defendants.<sup>1</sup> Although never formally consolidated, the two actions were heard together in the Court of Chancery.

3. The homeowners own three homes on the southern border of the Meding property, each with direct access to State Route 1 through their driveways. The gravamen of the homeowners' complaint is that the Medings' proposed new entrance would require the homeowners to close their direct driveway access to State Route 1 and re-orient access to their properties through their backyards and onto a secondary road network.

4. DelDOT's position throughout this case, however, has been unequivocal: it has no plans to close the homeowners' driveways or eliminate the

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<sup>1</sup> Opening Br., Ex. 1.

homeowners' access to State Route 1. The Court of Chancery pledged to hear the homeowners' complaint in the event that DelDOT ever reversed course and eliminated the homeowners' direct access to State Route 1. Until then, and for the reasons stated in the JMER Order, the homeowners' action is not ripe.

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

BY THE COURT:

/s/ Gary F. Traynor  
Justice