IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

GARY STAFFIERI and ADRIA CHARLES STAFFIERI,	:	
Plaintiffs,	:	
v.	:	C.a. No. 7439 VCL
HENRY BLACK, MARY LOU BLACK, RAYMOND BUCHTA, BLACKBALL PROPERTIES, LLC, PAUL MILLER, CANDY MILLER, W. SCOTT BLACK, and GAKIS PROPERTIES II, LLC,	:	
Defendants.	:	

ORDER

AND NOW this ___ day of _____, 2013, Defendants Henry Black, Mary Lou Black, Raymond Buchta, W. Scott Black and Blackball Properties, LLC ("Certain Defendants") having moved this Court for an Order pursuant to Court of Chancery Rule 60 modifying the Court's Post-Trial Order dated October 24, 2012 ("Order") based upon the mistaken understanding and confusion arising from the Court's adoption of the abbreviated term "Back Parking Area," which is instead merely a "common driveway" available for "driveway purposes" pursuant to the 1946 Deeds referenced in the Order, and it further appearing that it is appropriate to modify the Order in order to clarify that the Court did not intend to grant any easement rights beyond those expressly contained in the 1946 Deeds, which limited the use of the common driveway to driveway purposes only,

IT IS FURTHER ORDERED that this Court's Post-Trial Order dated October 24, 2012 is hereby modified so as to eliminate all references to the terms "Back Parking Area" and to substitute a single term "Common Driveway" throughout the said Post-Trial Order, so as to

clarify that the sole easement rights granted to the Plaintiffs pursuant thereto are contained in the 1946 Deeds, and nothing more.

Vice Chancellor J. Travis Laster

This document constitutes a ruling of the court and should be treated as such.

Court: DE Court of Chancery Civil Action

Judge: J Travis Laster

File & Serve Transaction ID: 53289114

Current Date: Jul 24, 2013

Case Number: 7439-VCL

Case Name: Staffieri, Gary et al vs Mary Lou Black Henry Black et al

Court Authorizer: Laster, J Travis

Court Authorizer Comments:

The Court has reviewed the motion. Because it is facially without merit, the plaintiffs need not be burdened to respond.

The Court intended in its post-trial order to address both the Common Driveway and the Front and Back Parking Areas. See, e.g., Post Trial Order paragraph 12. The plaintiffs are certainly entitled to use the Common Driveway and the Front and Back Parking Areas. This includes parking in them, although such a use would be most appropriate for the Front and Back Parking Areas. What the plaintiffs cannot to is prevent other property owners from using the Common Driveway, just as the defendants could not prevent the plaintiffs' use.

Whether the plaintiffs have parked in the Common Driveway or Front and Back Parking Areas since the Post Trial Order presents a question of fact that was not litigated in the case and is not appropriate to address via a Rule 60 motion. Most of the pictures submitted by the defendants do not depict any interference with other property owners' reasonable use. It is also possible that any "blocking" is happening on a temporary and short-term basis, consistent with reasonable use.

One of Mr. Abbotâ€™s letters accuses the plaintiffs of acting in an intimidating manner. The Court heard both sides' evidence at trial. It was abundantly clear that it is the defendants who have acted throughout this dispute in an overbearing, harassing, and intimidating manner towards the plaintiffs, including through their use of video technology to place the plaintiffs under constant 24 hour surveillance and their efforts to escalate any misstep into a legal violation. The defendants' claim of victim status is inconsistent with the record and their actions. It is not credible.

/s/ Judge Laster, J Travis