



IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMERICAN CIVIL LIBERTIES
UNION OF DELAWARE

No. _____, 2026

*Plaintiff below,
Appellant*

v.

THE TOWN OF FENWICK ISLAND

*Defendant below,
Appellee.*

NOTICE OF APPEAL

To: Luke Mette
1413 Savannah Rd., Suite 1
Lewes, Delaware 19958
lmette@lawbmf.com

PLEASE TAKE NOTICE THAT the American Civil Liberties Union of Delaware, Plaintiff below, Appellant, does hereby appeal to the Supreme Court of the State of Delaware from the order granting the Town of Fenwick Island's motion to dismiss. This order is of the Superior Court, in and of Sussex County, by

Judge Karsnitz, dated May 26, 2026 in case number S25C-12-003 CAK in that court. A copy of the decision sought to be reviewed is attached hereto.

The name and address of an attorney of record below for Appellee is Luke Mette, 1413 Savannah Rd., Suite 1 Lewes, Delaware 19958, lmette@lawbmf.com.

The party against whom the appeal is taken is the Town of Fenwick Island.

This appeal is taken against all parties below.

PLEASE TAKE FURTHER NOTICE that Appellant hereby designates the transcript in accordance with Rules 7(c)(6) and 9(e)(ii) in the following manner:

Appellant will serve a copy of this Notice of Appeal upon the Superior Court of Sussex County as stated in Rule 9(e)(ii) to order the transcript from the oral argument on May 4, 2026, and will file an additional certificate with this Court confirming that such service has occurred.

Dated: June 4, 2026

/s/ Andrew Bernstein
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