

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

STEPHIEN P. LAMB
VICE CHANCELLOR

New Castle County Court House
500 N. King Street, Suite 11400
Wilmington, Delaware 19801

Submitted: October 27, 2008
Decided: October 29, 2008

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***RE: Lesley R. Stephenson v. Robert A. Cooke, et al.
C.A. No. 3110-VCL***

Dear Counsel:

I have reviewed and considered Ms. Valihura's motion for a vacatur of the court's post-trial Memorandum Opinion and Order in this case, presented in her letter of October 27, 2008. While I disagree with some of the arguments advanced in that letter, particularly those found in Section IV, I am ultimately persuaded that the interests of justice weigh sufficiently in favor of the requested relief to justify the most unusual step of vacating the court's post-trial opinion and order. I take this step because it is a condition precedent to the settlement of all claims raised in the case, a settlement supported by all parties, and because no third-party interests are implicated. Plainly, while there is a strong and persuasive public interest in the publication of this court's ruling, there is also a recognizable public interest in avoiding the further expenditure of judicial resources in matters such as this that the parties are prepared to settle.

For these reasons, the motion for a vacatur of the court's September 24, 2008 Memorandum Opinion and Order will be granted. An order implementing this decision has been filed today.

/s/ Stephen P. Lamb
Vice Chancellor