

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH MANHEIM; WEST 36 TH , INC.;	§	
and REATH & CO., LLC,	§	
	§	No. 377, 2023
Defendants-Below,	§	
Appellants,	§	
v.	§	Court Below: Court of Chancery
	§	of the State of Delaware
	§	
YOUNG MIN BAN,	§	C.A. No. 2019-0005
	§	
Plaintiff-Below,	§	
Appellee.	§	

Submitted: April 17, 2024

Decided: April 22, 2024

Before **VALIHURA**, **LEGROW**, and **GRIFFITHS**, Justices.

ORDER

This 22nd day of April, 2024, after careful consideration of the parties’ briefs and the record below, and following oral argument, we find it evident that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons stated in the Memorandum Opinion dated June 24, 2022,¹ and the Final Order and Judgment dated September 6, 2023.

¹ Appellants argued for the first time on appeal that the Court of Chancery’s factual findings about Appellee’s “unauthorized DropBox access” support “actionable” claims. That argument advances novel legal issues that Appellants never raised to the trial court. *See* App. to Opening Br. at A573 (trial court’s post-trial factual findings regarding DropBox account); A574-654 and A698-741 (Appellants’ post-trial briefs addressing the parties’ claims in light of the trial court’s post-trial factual findings). This argument therefore is waived and we do not address its merits. *See* Supr.

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

BY THE COURT:

/s/ Abigail M. LeGrow
Justice

Ct. R. 8; *Holifield v. XRI Inv. Hldgs LLC*, 304 A.3d 896, 921 (Del. 2023) (“With respect to whether a party has preserved an issue on appeal, we will independently examine ‘the record below.’”) (quoting *CompoSecure, L.L.C. v. CardUX, LLC*, 206 A.3d 807, 810 (Del. 2018)); *Protech Minerals, Inc. v. Dugout Team, LLC*, 284 A.3d 369, 379 (Del. 2022) (finding that appellants had not preserved an argument for appeal when they failed to argue the issue to trial court).