

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NIAGARA FALLS HOLDINGS, LLC,)
a Delaware limited liability company,) No. 413, 2006
)
Defendant Below) Court Below: Court of Chancery
Appellant,) of the State of Delaware in
) and for New Castle County
v.)
) C.A. No. 1203-N
EUREKA VIII LLC, a Delaware)
limited liability company,)
)
Plaintiff Below,)
Appellee,)
)
NIAGARA FALLS)
REDEVELOPMENT, LLC,)
)
Nominal Defendant)
Below.)

Submitted: January 10, 2007

Decided: January 19, 2007

Before **STEELE**, Chief Justice, **HOLLAND, BERGER, JACOBS** and **RIDGELY**, constituting the Court *en banc*.

ORDER

This 19th day of January, 2007 upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons set forth in its decision dated July 2, 2006.

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

BY THE COURT:

/s/ Myron T. Steele
Chief Justice