

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|---|---|---------------------------------|
| THE TERRITORY OF THE UNITED STATES VIRGIN ISLANDS, | § | No. 36, 2008 |
| individually and as assignee of the | § | |
| Successor Panex Industries, Inc. | § | Court Below – Court of Chancery |
| Stockholders Liquidating Trust, | § | of the State of Delaware |
| | § | C.A. No. 2505 |
| Plaintiff Below, | § | |
| Appellant, | § | |
| | § | |
| v. | § | |
| | § | |
| GOLDMAN, SACHS & CO., a New York limited partnership, | § | |
| | § | |
| Defendant Below, | § | |
| Appellee. | § | |

Submitted: July 23, 2008
Decided: July 29, 2008

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

ORDER

This 29th day of July 2008, the Court having considered this matter after oral argument and on the briefs filed by the parties has determined that the final judgment of the Court of Chancery should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its decision dated December 20, 2007.

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Court of Chancery be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice