

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PRIMESTONE INVESTMENT	§	
PARTNERS L.P., a Delaware	§	No. 30, 2003
limited partnership,	§	
	§	
Defendant/Counter-	§	
Claimant Below,	§	
Appellant,	§	
	§	
v.	§	Court Below: Court of
	§	Chancery of the State of
	§	Delaware in and for
VORNADO PS, L.L.C., a Delaware	§	New Castle County
limited partnership,	§	C.A. No. 19264
	§	
Plaintiff/Counterclaim	§	
Defendant Below,	§	
Appellee,	§	
	§	
and	§	
	§	
VORNADO REALTY, L.P., a Delaware	§	
limited partnership, and VORNADO	§	
REALTY TRUST, a New York	§	
corporation,	§	
	§	
Third Party Counter-	§	
claim Defendants	§	
Below, Appellees.	§	

Submitted: April 15, 2003

Decided: April 16, 2003

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices.

## ORDER

This 16<sup>th</sup> day of April, 2003, having considered this matter after oral argument and on the briefs of the parties, the Court concludes that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its order dated December 19, 2002. With respect to appellant's claim under Court of Chancery Rule 56(f), although the trial court did not expressly address the request for additional discovery, we find no abuse of discretion in denying the request since the court had already allowed appellant additional discovery, and the witnesses appellant sought to depose were known to appellant long before it filed its second Rule 56(f) affidavit.

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/ Carolyn Berger  
Justice