

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PATRICK B. TUNNEY,	§	
	§	No. 476, 2008
Plaintiff Below,	§	
Appellant,	§	Court Below: Court of Chancery
	§	of the State of Delaware
v.	§	
	§	C. A. No. 1317
EUGENE HILLIARD,	§	
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: March 25, 2009
Decided: March 30, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices.

ORDER

This 30th day of March 2009, upon consideration of the briefs of the parties, 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 August 20, 2008.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice