

IN THE SUPREME COURT OF THE STATE OF DELAWARE

METCAP SECURITIES LLC and )  
NORTH AMERICAN SENIOR CARE ) No. 173, 2009  
INC., )  
 ) Court Below: In the Court of  
Plaintiffs Below/ ) Chancery of the State of Delaware  
Appellants, )  
 ) C.A. No. 2129  
v. )  
 )  
PEARL SENIOR CARE, INC., PSC )  
SUB INC., GEARY PROPERTY )  
HOLDINGS, LLC and BEVERLY )  
ENTERPRISES, INC., )  
 )  
Defendants Below, )  
Appellees. )

Submitted: August 12, 2009

Decided: August 13, 2009

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

***ORDER***

This 13<sup>th</sup> day of August 2009, 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 February 27, 2009.

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

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice