



Certification of Interlocutory Appeal and Expedited Proceedings on Appeal. They seek review of the Court of Chancery's May 12, 2011 decision denying their motion for a preliminary injunction.

(2) The transaction at issue is a tender offer, to be followed by a merger, by which a wholly-owned subsidiary of Laboratory Corporation of America Holdings, Inc. intends to acquire Orchard Cellmark Inc. for \$2.80 per share. The tender offer is scheduled to close on May 17, 2011.

(3) The Court of Chancery, in a thorough and detailed opinion, determined that appellants had not demonstrated a reasonable probability of success on the merits; the threat of imminent, irreparable harm; or that a balancing of the equities favors the entry of an injunction.

(4) Applications for interlocutory appeals are addressed to the sound discretion of the Court.<sup>1</sup> The Court of Chancery, in its order granting leave to appeal, stated that review of its decision "is of vital importance to serving considerations of justice...."<sup>2</sup> Notwithstanding the trial court's statement, this Court concludes, in the exercise of its discretion, that this matter does not meet the requirements and criteria for acceptance of an interlocutory appeal.<sup>3</sup>

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<sup>1</sup>Supr.Ct.R. 42(d)(v).

<sup>2</sup>Appellants' Notice of Appeal, Ex. B.

<sup>3</sup>Supr.Ct.R. 42(b).

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal in REFUSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice