

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CONTRARIAN FUNDS L.L.C., a	§
limited liability company organized	§ No. 769, 2010
and existing under the laws of	§
Delaware, et al.,	§ Court Below – Court of Chancery
	§ of the State of Delaware
Plaintiffs Below,	§ C.A. No. 2617
Appellants,	§
	§
v.	§
	§
WESTPOINT INTERNATIONAL,	§
INC., a corporation organized and	§
existing under the laws of Delaware,	§
et al.,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: July 27, 2011  
Decided: August 3, 2011

Before **STEELE**, Chief Justice, **HOLLAND**, **BERGER**, **JACOBS** and **RIDGELY**, Justices, constituting the Court *en Banc*.

**ORDER**

This 3rd day of August, 2011, it appears to the Court that:

- 1) The Court has considered this matter after briefing and oral argument by the parties.
- 2) The Court of Chancery entered a final judgment on November 16, 2010 after granting the defendants/appellees' Motion to Dismiss Verified Modified Third Amended Complaint and granting the defendants/appellees'

Motion to Vacate (As Moot and on the Merits) Partial Summary Judgment  
On Old Count III Of the Verified Second Amended Complaint.

3) We have concluded that the final judgment entered by the Court of Chancery on November 16, 2010 should be affirmed on the basis of its bench ruling on November 3, 2010 (a copy of which is attached), applying and interpreting *In re Westpoint Stevens, Inc.*<sup>1</sup>

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

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> *In re Westpoint Stevens, Inc.*, 600 F.3d 231 (2d Cir. 2010).