

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GENELUX CORPORATION and	§	
RONALD SIMUS,	§	No. 631, 2015
	§	
Plaintiffs Below-	§	
Cross-Appellees,	§	Court Below: Court of Chancery
	§	of the State of Delaware
v.	§	
	§	C.A. No. 10042-VCM
ALBERT ROEDER and BYRON	§	
GEORGIOU,	§	
	§	
Defendants Below-	§	
Cross-Appellants,	§	
	§	
and	§	
	§	
DR. ALADAR SZALAY,	§	
	§	
Intervenor Below-	§	
Cross-Appellant.	§	

Submitted: June 9, 2016

Decided: June 9, 2016

Before **STRINE**, Chief Justice; **HOLLAND**, **VALIHURA**, **VAUGHN**, and **SEITZ**, Justices, constituting the Court *en Banc*.

ORDER

This 9th day of June 2016, having considered this matter on the briefs, the plaintiffs' motion to supplement the cross-appeal to show mootness, and the defendants' response to that motion, we find it evident that: Only one narrow issue remains on this cross-appeal, which is whether the Court of Chancery abused its

discretion by not awarding a more generous fee-shifting award to the defendants. The plaintiffs argue that even that issue is now moot because they have made a full payment of the financial amounts in controversy. The only response to that contention is that this case presents one of the rare situations when this court should consider a moot dispute because the underlying issue is sufficiently important, will likely recur, and could evade review if we do not act now. We disagree. This cross-appeal now raises only a moot issue about whether the Court of Chancery properly exercised its case-specific discretion in applying settled principles of law. There being no financial consequences left in controversy, the case is moot and the cross-appeal is dismissed on that basis. IT IS SO ORDERED.

BY THE COURT:

/s/ Leo E. Strine, Jr. _____

Chief Justice