

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ATM SHAFIQUK KHALID,	§
	§ No. 463, 2022
Proposed Intervenor Below,	§
Appellant,	§ Court Below—Court of
	§ Chancery of the State of
v.	§ Delaware
	§
TWITTER, INC.,	§ C.A. No. 2022-0613
	§
Plaintiff and Counterclaim-	§
Defendant Below, Appellee,	§
	§
and	§
	§
ELON R. MUSK, X HOLDINGS I,	§
INC., and X HOLDINGS II, INC.,	§
	§
Defendants and Counterclaim-	§
Plaintiffs Below, Appellees.	§

Submitted: April 28, 2023

Decided: June 7, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After consideration of the parties’ briefs and the record on appeal, we find it evident that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons stated in the court’s letter decisions dated November 15, 2022, and November 28, 2022. This expedited litigation was dismissed under Court of Chancery Rule 41(a)(1)(ii). Voluntary dismissal under Rule 41(a)(1)(ii) renders a

pending motion to intervene moot.¹ Whether the motion to intervene was filed before or after the stipulated dismissal is irrelevant.²

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ See, e.g., *Silber v. Airbnb, Inc.*, 2019 WL 3997098, at *1 (D. Del. Aug. 23, 2019) (dismissing motion to intervene as of right, which was filed approximately three weeks before the parties filed a stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), as moot).

² See *id.* (“The timing of the motion to intervene, either before or after the stipulated dismissal, is irrelevant.”).