

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY W. BRADLEY, indi-	§
vidually and as Class representative	§
for the non-moot claims of the	§
certified class,	§
	§
Plaintiff Below,	§
Appellant,	§ No. 445, 1999
	§
v.	§ Court Below: Court of Chancery
	§ of the State of Delaware in and
FIRST INTERSTATE BANCORP,	§ for New Castle County
EDWARD M. CARSON, WILLIAM	§ C.A. No. 14623
S. RANDALL, WILLIAM E.B.	§
SIART, JOHN E. BRYSON, JEWEL	§
PLUMMER COBB, RALPH P.	§
DAVIDSON, MYRON duBAIN,	§
DON C. FRISBEE, GEORGE M.	§
KELLER, THOMAS L. LEE,	§
WILLIAM F. MILLER, STEVEN B.	§
SAMPLE, FORREST N.	§
SHUMWAY, RICHARD J.	§
STEGEMEIER, DANIEL M.	§
TELLEP, AND FIRST BANK	§
SYSTEM, INC.,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: March 14, 2000

Decided: March 21, 2000

Before **VEASEY**, Chief Justice, **WALSH**, and **BERGER**, Justices.

O R D E R

This 21st day of March 2000, upon consideration of the briefs of the parties and oral argument, the Court concludes that, in ruling that Plaintiff

Below-Appellant had pleaded derivative claims, the Court of Chancery correctly applied the standards announced by this Court in *Kramer v. Western Pacific Indus.*, Del. Supr., 546 A.2d 348, 354 (1988) and *Parnes v. Bally Entertainment Corp.*, Del. Supr., 722 A.2d 1243, 1245 (1999). Accordingly, Appellant lacks standing to assert those claims. *See Lewis v. Anderson*, Del. Supr., 477 A.2d 1040 (1984). We further conclude that Appellant's California state law claims are exclusively controlled by Delaware law under the internal affairs doctrine. *See McDermott, Inc. v. Lewis*, Del. Supr., 531 A.2d 206, 215 (1987).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh

Justice