

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID J. WEIL, on behalf of	§
himself and all others similarly	§
situated,	§ No. 365, 2005
	§
Plaintiff Below,	§
Appellant,	§ Court Below – Court of Chancery
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ C.A. No. 791-N
MORGAN STANLEY DW INC.	§
and HARRISDIRECT LLC,	§
	§
Defendant Below,	§
Appellees.	§

Submitted: December 21, 2005

Decided: December 22, 2005

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 22nd day of December 2005, the Court having considered this matter after oral argument and on the briefs filed by the parties has determined that the final judgment of the Court of Chancery should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its decision dated July 5, 2005.

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

BY THE COURT:

/s/ Randy J. Holland
Justice