

IN THE SUPREME COURT OF THE STATE OF DELAWARE

APEX, INC.,	§
	§
Plaintiff Below,	§
Appellant,	§ No. 336, 2002
	§
v.	§
	§ Court Below: Court of Chancery
NATIONWIDE TELEVISION	§ of the State of Delaware in and
AND APPLIANCE ASSOCIATES,	§ for New Castle County
INC.,	§ C.A. No. 19330
	§
Defendant Below,	§
Appellee.	§

Submitted: November 6, 2002
Decided: November 13, 2002

Before WALSH, HOLLAND, and STEELE, Justices.

ORDER

This 13th day of November 2002, upon consideration of the briefs of the parties and oral argument, the Court concludes that the Court of Chancery properly applied the standards underlying a proceeding under 8 *Del. C.* § 211. We agree with the Court of Chancery that the narrow focus of a section 211 proceeding does not permit the assertion of the breach of fiduciary duty claims asserted by the appellant. Nothing in the ruling of the Court of Chancery, or our affirmance of that ruling, precludes the assertion of such claims in an appropriate forum and in a different proceeding.

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