

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NEW CASTLE SHOPPING, LLC,	§	
	§	No. 545, 2006
Defendant Below,	§	
Appellant,	§	Court Below: Court of Chancery
	§	of the State of Delaware in and for
v.	§	New Castle County
	§	
PENN MART SUPERMARKETS,	§	
INC. t/a THRIFTWAY,	§	C. A. No. 20405
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: April 25, 2007

Decided: April 26, 2007

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 26th day of April 2007, upon consideration of the briefs of the parties, and their contentions in oral argument, it appears to the Court that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons set forth in its ruling dated September 8, 2006.

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

BY THE COURT:

/s/ Carolyn Berger
Justice