

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LYONDELL CHEMICAL	§	
COMPANY, DAN F. SMITH,	§	No. 401, 2008
CAROL A. ANDERSON, SUSAN K.	§	
CARTER, STEPHEN I. CHAZEN,	§	Court Below—Court of
TRAVIS ENGEN, PAUL S.	§	Chancery of the State of
HALATA, DANNY W. HUFF,	§	Delaware in and for New
DAVID J. LESAR, DAVID J.P.	§	Castle County
MEACHIN, DANIEL J. MURPHY,	§	
and WILLIAM R. SPIVEY,	§	
	§	
Defendants Below,	§	
Appellants,	§	
	§	
v.	§	
	§	
WALTER E. RYAN, JR.,	§	
Individually and on behalf of all	§	
others similarly situated,	§	
	§	
Plaintiff Below,	§	C.A. No. 3176
Appellee.	§	

Submitted: September 5, 2008
Decided: September 15, 2008

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

ORDER

This 15th day of September 2008, it appears to the Court that:

(1) The defendants-appellants, Lyondell Chemical Company and individual members of the Lyondell board of directors (“Lyondell”), have petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to accept an appeal from the Court of Chancery’s memorandum opinion and

order dated July 29, 2008, which, in part, denied Lyondell's motion for summary judgment.¹ Lyondell has also sought a stay of the proceedings in the Court of Chancery.² By order dated August 29, 2008, the Court of Chancery denied Lyondell's application for certification but stayed the proceedings pending appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court.³ The Court has examined the Court of Chancery's July 29 memorandum opinion and order according to the criteria set forth in Rule 42. The Court has concluded that Lyondell's application for interlocutory review meets the requirements of Supreme Court Rule 42(b) and should be accepted, and that the related motion for stay of proceedings should be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is ACCEPTED, and a stay of proceedings is entered pending this Court's decision on appeal.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹ *Ryan v. Lyondell Chem. Co.*, 2008 WL 2923427 (Del. Ch.).

² Del. Supr. Ct. R. 42(e).

³ Del. Supr. Ct. R. 42(b).