

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARTIN MARIETTA )  
MATERIALS, INC., ) No. 254, 2012  
)  
Plaintiff and Counterclaim- )  
Defendant Below, Appellant, ) Court Below: Court of Chancery  
) of the State of Delaware  
v. )  
) C.A. No. 7102  
VULCAN MATERIALS )  
COMPANY, )  
)  
Defendant and Counterclaim- )  
Plaintiff Below, Appellee, )  
)

Submitted: May 31, 2012

Decided: May 31, 2012

Before, **STEELE**, Chief Justice, **HOLLAND, BERGER, JACOBS**, and **RIDGELY**, Justices constituting the Court *en banc*.

***ORDER***

On this 31<sup>st</sup> day of May 2012, the Court having considered the record, the briefs, and the oral argument of counsel on an expedited basis has concluded that the judgment of the Court of Chancery should be affirmed. A more formal opinion, fully explaining our views, will issue in due course.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice