EFiled: Mar 28 2013 12:50PM Filing ID 51367777 Case Number 470,2012

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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THE ORCHARD ENTERPRISES, INC.,

Respondent Below, Appellant,

٧.

MERLIN PARTNERS LP,

Petitioner Below, Appellee,

and

THE ORCHARD ENTERPRISES, INC.,

Respondent Below, Appellant,

v.

MATTHEW GIFFUNI, CHRISTOPHER YEAGLEY and QUADRE INVESTMENTS LP,

> Petitioners Below, Appellees,

IN RE: APPRAISAL OF THE ORCHARD ENTERPRISES, INC.

No. 470, 2012

Court Below – Court of Chancery of the State of Delaware, Consolidated C.A. No. 5713

Submitted: March 27, 2013 Decided: March 28, 2013

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Before HOLLAND, BERGER and JACOBS, Justices.

ORDER

This 28th day of March, 2013, 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 July 18, 2012 memorandum opinion.

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

BY THE COURT:

Randy of Halland
Justice