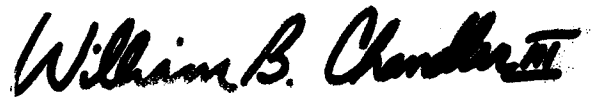
IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO
COURT OF CHANCERY RULE 56

This 22nd day of February, 2005, IT IS HEREBY ORDERED that the Court of Chancery Rule 56 is amended by adding section (h), effective March 1, 2005, as follows:

Rule 56 (h)

(h) *Cross Motions*. Where the parties have filed cross motions for summary judgment and have not presented argument to the Court that there is an issue of fact material to the disposition of either motion, the Court shall deem the motions to be the equivalent of a stipulation for decision on the merits based on the record submitted with the motions.



William B. Chandler III

Respectfully advised:

Stephen P. Lamb

Leo E. Strine, Jr.

John W. Noble

Donald F. Parsons, Jr.