

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PARK EMPLOYEES' AND §
RETIREMENT BOARD EMPLOYEES' §
ANNUITY AND BENEFIT FUND OF §
CHICAGO, derivatively and on behalf §
of BioScrip, Inc., §

No. 198, 2017

Plaintiff Below, §
Appellant, §

Court Below—Court of Chancery §
of the State of Delaware

v. §

RICHARD M. SMITH, MYRON Z. §
HOLUBIAK, CHARLOTTE W. §
COLLINS, SAMUEL P. FRIEDER, §
DAVID R. HUBERS, RICHARD L. §
ROBBINS, STUART A. SAMUELS, §
GORDON H. WOODWORD, §
KIMBERLEE C. SEAH, HAI V. TRAN, §
PATRICIA BOGUSZ, KOHLBERG & §
CO., L.L.C., KOHLBERG §
MANAGEMENT V, L.L.C., §
KOHLBERG INVESTORS V, L.P., §
KOHLBERG PARTNERS V, L.P., §
KOHLBERG TE INVESTORS V, L.P., §
KOCO INVESTORS V, L.P. and §
JEFFERIES LLC, §

C.A. No. 11000-VCG

Defendants Below, §
Appellees, §

and §

BIOSCRIP, INC., §

Nominal Defendant Below, §
Appellee. §

Submitted: November 15, 2017
Decided: November 27, 2017

Before **STRINE**, Chief Justice; **VALIHURA**, **VAUGHN**, **SEITZ**, and **TRAYNOR**, Justices, constituting the Court *en Banc*.

ORDER

This 27th day of November 2017, it appears to the Court that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons assigned in its order dated May 31, 2016.¹

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

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice

¹ *Park Emps.' & Ret. Bd. Emps.' Annuity & Benefit Fund of Chicago v. Smith*, 2016 WL 3223395 (Del. Ch. May 31, 2016).