



IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARLEY MILL, LLC,)
)
Defendant Below,)
Appellant/Cross-Appellee,)
)
v.)
)
SAVE OUR COUNTY, INC.,)
BARBARA FURBECK,)
LAWRENCE GIORDANO, JAMES)
GRAVES and THOMAS S.)
NEUBERGER,)
)
Plaintiffs Below,)
Appellees/Cross-Appellants,)
)
and)
)
NEW CASTLE COUNTY,)
)
Defendant Below,)
Appellee/Cross-Appellant,)
)
and)
)
THE COUNTY COUNCIL OF)
NEW CASTLE COUNTY,)
)
Defendant Below,)
Cross-Appellee.)

No. 419, 2013

Court Below: Court of
Chancery of the State of
Delaware
C.A. No. 7151-VCG

**THE COUNTY COUNCIL OF
NEW CASTLE COUNTY'S PARTIAL JOINDER IN BARLEY
MILL, LLC'S COMBINED ANSWERING BRIEF TO
PLAINTIFFS' AND THE COUNTY'S CROSS-APPEALS AND
REPLY BRIEF TO ITS APPEAL**

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Date: December 6, 2013

The County Council of New Castle County (“Council”), satisfied with the Court of Chancery’s ruling, advised the Court that it decided not to participate in this appeal. Plaintiffs-below and New Castle County cross-appealed from the lower court’s ruling that 9 *Del. C.* § 2662 did not require Council to consider a traffic study before voting on Barley Mill, LLC’s (“Barley Mill”) rezoning application. Because this issue implicates the legal requirements imposed on Council by statute in the rezoning process, Council sought, and was granted, permission to intervene as a cross-appellee.

Council joins in Section I of Barley Mill’s Combined Answering Brief to Plaintiffs’ and the County’s Cross-Appeals and Reply Brief to its Appeal.

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