

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 14-4764

TRINITY WALL STREET

v.

WAL-MART STORES, INC.,
Appellant

Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 1-14-cv-00405)
District Judge: Honorable Leonard P. Stark

Present: AMBRO, VANASKIE, and SHWARTZ, Circuit Judges

ORDER

Appellant Wal-Mart Stores, Inc. filed a notice of appeal on December 16, 2014 from both the District Court's December 8, 2014 order (1) granting Appellee Trinity Wall Street's motion for summary judgment with respect to Count I of the Verified Amended Complaint and (2) entering a permanent injunction against Wal-Mart from excluding Trinity's Proposal from its 2015 proxy materials.

It is hereby ORDERED that:

The District Court order entered on December 8, 2014 granting Appellee's motion for summary judgment with respect to Count I of the Verified Amended Complaint is reversed and the permanent injunction it entered is vacated.¹

¹ Because the District Court's entry of judgment against Trinity on Count II of the Verified Amended Complaint is not before us, we do not address the Court's disposition of that Count.

Consequently, Wal-Mart may exclude Trinity's Proposal from its 2015 proxy materials.

The Court will issue an Opinion in this matter at a later time.

The mandate will issue forthwith.

By the Court,

s/ Thomas L. Ambro, Circuit Judge

Dated: April 14, 2015

CLW/cc: Christopher M. Foulds, Esq.

Joel E. Friedlander, Esq.

Theodore J. Boutrous, Esq.

Adam H. Offenhartz, Esq.

Philip A. Rovner, Esq.

Angela C. Whitesell, Esq.

Aric H. Wu, Esq.

Robert A. Long, Jr., Esq.

Cory L. Andrews, Esq.

Robert A. Long, Jr., Esq.

Maureen Barden, Esq.

Richard L. Wyatt, Esq.

William B. Chandler, III, Esq.

Paul J. Lockwood, Esq.

Roland P. Bissell, Esq.

Jeffrey W. Golan, Esq.