

Rec.

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM B. WEINBERGER,)
)
 Plaintiff Below,)
 Appellant,)
)
 v.)
)
 UOP, INC., THE SIGNAL)
 COMPANIES, INC., SIGCO)
 INCORPORATED, LEHMAN)
 BROTHERS KUHN LOEB, INC.,)
)
 Defendants Below,)
 Appellees.)

No. 58, 1981

SUPREME COURT OF THE STATE OF DELAWARE
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 Wilmington

NOTICE OF MOTION

To: R. Franklin Balotti, Esquire
 Richards, Layton & Finger
 One Rodney Square
 Wilmington, Delaware 19899
 Attorneys for Lehman Brothers

Robert K. Payson, Esquire
 Potter, Anderson & Corroon
 350 Delaware Trust Building
 Wilmington, Delaware 19899
 Attorneys for The Signal Companies

A. Gilchrist Sparks, III, Esquire
 Morris, Nichols, Arsht & Tunnell
 Wilmington Tower
 Wilmington, Delaware 19899
 Attorneys for UOP, Inc.

PLEASE TAKE NOTICE that attached is a motion for leave
 to withdraw the appeal as to Lehman Brothers.

PRICKETT, JONES, ELLIOTT,
 KRISTOL & SCHNEE

By William Prickett / JWS
 William Prickett
 1310 King Street
 Wilmington, Delaware 19899
 Attorneys for Plaintiff
 Below, Appellant

Hand Serve
 6-2-82
 Mr. Balotti
 Mr. Payson
 Mr. Sparks

June 2, 1982

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM B. WEINBERGER,)
)
 Plaintiff Below,)
 Appellant,)
)
 v.) No. 58, 1981
)
 UOP, INC., THE SIGNAL)
 COMPANIES, INC., SIGCO)
 INCORPORATED, LEHMAN)
 BROTHERS KUHN LOEB, INC.,)
)
 Defendants Below,)
 Appellees.)

PLAINTIFF'S MOTION PURSUANT TO RULE 29(b)
FOR LEAVE TO WITHDRAW THE APPEAL
AND REMAND FOR ENTRY OF JUDGMENT AS TO
THE DEFENDANT, LEHMAN BROTHERS KUHN LOEB, INC.

The plaintiff shows that:

1. Lehman Brothers Kuhn Loeb, Inc. ("Lehman Brothers") was originally named as a defendant by the plaintiff in the above action.
2. Judgment was entered in defendant Lehman Brothers' favor by the lower court.
3. An appeal to this Court from the judgment in favor of Lehman Brothers has been taken by the plaintiff.
4. The plaintiff made a prior motion to dismiss as to Lehman Brothers as to which none of the defendants objected but which was denied by the Court for the reasons stated in its letter opinion of May 19, 1982.
5. The plaintiff has offered to stipulate with the defendants that the appeal as to Lehman Brothers be dismissed and the case remanded as to Lehman Brothers for the

entry of judgment in Lehman Brothers' favor but the defendants have refused to so stipulate.

6. The plaintiff moves for leave to withdraw and dismiss his appeal so far as it relates to Lehman Brothers and for the entry of an order to the lower court for entry of judgment, with prejudice, as to Lehman Brothers.

PRICKETT, JONES, ELLIOTT,
KRISTOL & SCHNEE

By 

William Prickett
1310 King Street
Wilmington, Delaware 19899
Attorneys for Plaintiff
Below, Appellant

June 2, 1982

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 Plaintiff Below,)
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 v.) No. 58, 1981
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INCORPORATED, LEHMAN)
BROTHERS KUHN LOEB, INC.,)
)
 Defendants Below,)
 Appellees.)

O R D E R

This ____ day of _____, 1982, plaintiff's motion for leave to dismiss his appeal as to the defendant, Lehman Brothers Kuhn Loeb, Inc. ("Lehman Brothers"), having been presented, it is

ORDERED:

1. That plaintiff is given leave to withdraw his appeal as to Lehman Brothers.
2. That a special mandate is hereby issued to the Court of Chancery to enter judgment forthwith, with prejudice, in favor of defendant Lehman Brothers and against the plaintiff.

Justice