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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.)	

NOTICE OF MOTION

To: R. Frank 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*
 William Prickett
 1310 King Street
 Wilmington, Delaware 19899
 Attorneys for Plaintiff-
 Below, Appellant

SUPREME COURT OF THE STATE OF DELAWARE
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Mr. Balotti
Mr. Payson
Mr. Sparks

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)
 Defendants-Below,)
 Appellees.)

PLAINTIFF'S MOTION
PURSUANT TO RULE 30(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 Chief Justice circulated a waiver of his disqualification based on the fact that his son, Stephen Herrmann, Esquire, is a member of the firm of Richards, Layton & Finger, the attorneys for Lehman Brothers.
5. The plaintiff signed the waiver but the waiver was not signed by the defendants.

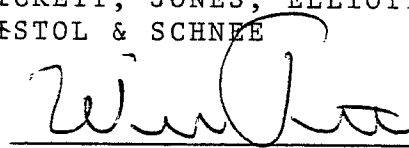
6. The Chief Justice did not participate as a member of the original panel or the decision denominated as a decision of the Court en banc because of the disqualification.

7. This Court is to rehear en banc all issues of the plaintiff's appeal.

8. If the Court en banc would otherwise consist of less than five members because of the continued disqualification of the Chief Justice, the plaintiff moves for leave to withdraw his appeal insofar as it relates to Lehman Brothers and for remand 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

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)
 Defendants-Below,)
 Appellees.)

O R D E R

This day of , 1982.

The plaintiff's motion for leave to dismiss his appeal as to the defendant Lehman Brothers Kuhn Loeb, Inc. ("Lehman Brothers") in order to remove the ground for disqualification of the Chief Justice and have the plaintiff's appeal reheard by the Court en banc consisting of five members having been presented, and the Court having concluded that, absent a removal of the basis for the disqualification of the Chief Justice, the Court en banc would consist of less than five members, it is

ORDERED:

1. That the 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