

***State of New York
Court of Appeals***

Remittitur

Present, Hon. Rowan D. Wilson, *Chief Judge, presiding.*

No. 49

Nigel John Eccles, et al.,
Appellants,

v.

Shamrock Capital Advisors, LLC, et al.,
Respondents.

Appellants in the above entitled appeal appeared by Nixon Peabody; respondents Shamrock Capital Advisors, LLC et al. appeared by Proskauer Rose LLP; respondent KKR & Co., Inc. appeared by Quinn Emanuel Urquhart & Sullivan, LLP; respondents Andrew Cleland et al. appeared by King & Spaulding LLP; amici curiae appeared by Harris Beach PLLC, Whiteman, Osterman & Hanna LLP, John J. Halloran Jr., P.C., Block O'Toole & Murphy LLP, Wachtell, Lipton, Rosen & Katz, Rosemarin Belliard, Esq., and Cooley LLP.

The Court, after due deliberation, orders and adjudges that the order is reversed, with costs, and so much of the order of Supreme Court, New York County, as denied and defendants' motions to dismiss the complaint is reinstated. Opinion by Judge Singas. Chief Judge Wilson and Judges Rivera, Cannataro, Troutman, Reynolds Fitzgerald and Iannacci concur. Judges Garcia and Halligan took no part.

The Court further orders that this record of the proceedings in this Court be remitted to Supreme Court, New York County, there to be proceeded upon according to law.

I certify that the preceding contains a correct record of the proceedings in this appeal in the Court of Appeals and that the papers required to be filed are attached.



Lisa LeCours
Clerk of the Court