

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

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April 14, 2015

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RE: Trinity Wall Street v. WalMart Stores Inc
Case Number: 14-4764

District Case Number: 1-14-cv-00405

ENTRY OF JUDGMENT

Today, **April 14, 2015** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment

45 days after entry of judgment in a civil case if the United States is a party

Page Limits:

15 pages


Attachments:

A copy of the panel's dispositive order only. No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. If separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to a combined 15 page limit. If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,



Marcia M. Waldron, Clerk

By: Carmella, Case Manager

267-299-4928