

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

Exposoft Solutions USA LTD.,)	
)	
Plaintiff,)	
)	
vs.)	C.A. No. 10C-06-162 JRJ CCLD
)	
The Coca-Cola Company,)	
)	
Defendant.)	

ORDER

AND NOW TO WIT, this 7th day of January, 2011, the Court having heard oral argument on defendant’s Motion to Dismiss and plaintiff’s opposition thereto, and the Court having considered “matters outside the pleading”¹ on the issue of whether the plaintiff has standing, defendant’s Motion to Dismiss shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.² If the parties wish to present any additional material in light of the conversion of the motion to a motion for summary judgment the parties shall do so within 90 days.

IT IS SO ORDERED.

Jurden, J.

cc: Prothonotary – Original

¹ See Super. Ct. Civ. R. 12(b). The Court considered information related to standing submitted by defendant in support of its motion to dismiss. (Trans. ID. 34485997)

² Super. Ct. Civ. R. 12(b).