

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK T. JELIN,	§	
		§
Defendant Below,	§	
Appellant,	§ No. 286, 1999	
	§	
v.	§ Court Below: Court of Chancery	
	§ of the State of Delaware in and for	
NRG BARRIERS, INC.,	§ New Castle County	
	§ C. A. No. 15013	
Plaintiff Below,	§	
Appellee.	§	

Submitted: April 11, 2000

Decided: April 14, 2000

Before VEASEY, Chief Justice, WALSH, and HARTNETT, Justices.

O R D E R

This 14th day of April 2000, upon consideration of the briefs of the parties and oral argument, the Court concludes that:

(1) The Court of Chancery correctly determined that the parties' purported attempt at settlement did not foreclose the court's authority to make an award of counsel fees. The award of counsel fees to NRG Barriers, Inc. was an issue specifically reserved by the court in its order granting final judgment on the merits of the parties' dispute. Accordingly, under the unique circumstances of this case, the court properly exercised its residual jurisdiction to award counsel fees.

(2) We further conclude that the Court of Chancery did not abuse its broad discretion in fixing the amount of counsel fees. *See Sugarland Indus., Inc. v. Thomas*, Del. Supr., 420 A.2d 142, 149 (1980).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice