

Delaware Court of Chancery Awards \$1.26 Billion in Entire Fairness Case

October 21, 2011 | Client Update

On October 14, 2011, the Delaware Court of Chancery entered a \$1.26 billion damages award in *In re Southern Peru Copper Corp. S'holder Derivative Litig.*, a derivative action challenging the fairness of a merger involving a controlling stockholder. This eye-popping award is a stark reminder of the Court's heightened focus on the conflicts associated with transactions involving controlling stockholders, and, as detailed below, it highlights the importance of ensuring adequate procedural protections in such transactions.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Arthur F. Golden

+1 212 450 4388
arthur.golden@davispolk.com

Phillip R. Mills

+1 212 450 4618
phillip.mills@davispolk.com

Lawrence Portnoy

+1 212 450 4874
lawrence.portnoy@davispolk.com

This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.

Related materials

[Read the full update](#)