

NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
06 CVS 03184

VOYAGER PHARMACEUTICAL)
CORPORATION,)
Plaintiff)
v.)
RICHARD L. BOWEN and CRAIG ATWOOD,)
Defendants)
_____)

ORDER

DENYING INTERVENTION OF JOHN H. STONE

THIS CAUSE, designated a complex business case by Order of the Chief Justice of the North Carolina Supreme Court, pursuant to N.C.G.S. § 7A-45.4(b), and assigned to the undersigned Special Superior Court Judge for Complex Business Cases, by Order of the Chief Special Superior Court Judge for Complex Business Cases, came to be heard upon motion of the proposed Third Party Plaintiff John H. Stone (“Stone”), pursuant to N.C.G.S. § 1A-1, Rule 24, for leave to intervene in this action (the “Motion to Intervene”), and was heard on April 4, 2006; and the parties having consented to signing and entry of this order out of term and district; and

THE COURT, having considered the arguments, pleadings, motions, other submissions of counsel, and the ends of justice, in its discretion, FINDS and CONCLUDES that:

1. The Motion to Intervene is founded upon two Claims for Relief:
 - a. A claim to compel inspection of books and records, pursuant to Del. Code Ann. tit. 8, § 220; and
 - b. A claim to compel an annual meeting, pursuant to Del.

Code Ann. tit. 8, § 211(c).

2. Appropriate and efficient remedies are reasonably available to Stone in the appropriate courts of the State of Delaware.
3. The Motion to Intervene therefore should be DENIED.
4. No fees or costs should be assessed against any party as a result of this Order.

SO ORDERED, this the 13th day of February, 2007.

/s/ John R. Jolly, Jr.
John R. Jolly, Jr.
Special Superior Court Judge for
Complex Business Cases