

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

S U M M A R Y O R D E R

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007 IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLATE PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH A LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATABASE WHICH IS PUBLICLY ACCESSIBLE WITHOUT PAYMENT OF FEE (SUCH AS THE DATABASE AVAILABLE AT HTTP://WWW.CA2.USCOURTS.GOV/). IF NO COPY IS SERVED BY REASON OF THE AVAILABILITY OF THE ORDER ON SUCH A DATABASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATABASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Richard C. Lee United States Courthouse, 141 Church Street, in the City of New Haven, on the 15th day of September, two thousand and eight.

Present:

HONORABLE JON O. NEWMAN,
HONORABLE RALPH K. WINTER,
HONORABLE GUIDO CALABRESI,
Circuit Judges.

CSX CORPORATION,
Petitioner,

MICHAEL WARD,
Third-Party Defendant,

v. No. 08-2899-cv

THE CHILDREN'S INVESTMENT FUND MANAGEMENT (UK) LLP, ET AL.,
Respondents.

1 CHRISTOPHER LANDAU, P.C., Kirkland &
2 Ellis LLP, Washington, D.C., for
3 Petitioners.

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5 RORY O. MILLSON, Cravath, Swaine & Moore
6 LLP, New York, New York for Respondent.

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8 Appeal from the June 11, 2008 decision by the United States
9 District Court for the Southern District of New York (Kaplan, J.)
10 declining to enjoin respondents from voting shares of CSX stock
11 at the 2008 CSX Annual Meeting. CSX Corp. v. Children's Inv. Fund
12 Mgmt. (UK) LLP, No. 08-cv-2764, 2008 WL 2372693 (S.D.N.Y. June
13 11, 2008).

14 ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED AND
15 DECREED that the decision not to enjoin the voting of the shares
16 is AFFIRMED.

17 We decide that issue alone at this time. An opinion of the
18 court will follow.

19 FOR THE COURT:
20 Catherine O'Hagan Wolfe, Clerk

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22 By: _____