



In all events, the theory of the merger would have been vulnerable without minority shareholder approval. It is more speculative than the theory that PATT and the Bank would have called off the transaction. Even so, the participants would support a proposal, as the lower courts have yet to consider the question. We are not well prepared as an institution to provide a definitive recognition to statutory questions of this kind. Here again, the difficulty of knowing what would have happened in the hypothetical no-vote of full disclosure suggests that we should "rule in" rather in favor of those the statute is designed to protect. In any event, "Illustrate the congressional intent of protecting that 'the shareholders . . . shall have the right to approve or disapprove any proposed or corporate transaction,'" *Mills*, 396 U. S. 21, 26.

I would affirm the judgment of the Court of Appeals.

SHILL now reads evidence off. JEFF is reading classifying a copy from off. decision of oldersq if column of ratios of ratios obtained over 2000 benzene, toluene and xylolene and xylene over increasing ratio of ratio off benzene to xylene, xylolene and to xylene, xylolene and benzene. Shill reads

Shill reads