

This 9th day of June 2016, having considered this matter on the briefs, the plaintiffs’ motion to supplement the cross-appeal to show mootness, and the defendants’ response to that motion, we find it evident that: Only one narrow issue remains on this cross-appeal, which is whether the Court of Chancery abused its

discretion by not awarding a more generous fee-shifting award to the defendants. The plaintiffs argue that even that issue is now moot because they have made a full payment of the financial amounts in controversy. The only response to that contention is that this case presents one of the rare situations when this court should consider a moot dispute because the underlying issue is sufficiently important, will likely recur, and could evade review if we do not act now. We disagree. This cross-appeal now raises only a moot issue about whether the Court of Chancery properly exercised its case-specific discretion in applying settled principles of law. There being no financial consequences left in controversy, the case is moot and the cross-appeal is dismissed on that basis. IT IS SO ORDERED.

BY THE COURT:

/s/ Leo E. Strine, Jr. _____

Chief Justice