

SUPERIOR COURT
OF THE
STATE OF DELAWARE

Mary M. Johnston
Judge

New Castle County Courthouse
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December 4, 2014

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Re: *PICA v. Hewlett-Packard Company*
C. A. No. N12C-06-196 MMJ CCLD

Dear Counsel:

I am considering Hewlett-Packard's Motion for Expedited Limited Relief from Judgment or Order Pursuant to Rule 60(b) and Hewlett-Packard's Motion, Pursuant to Rule 62, to Stay Execution of Judgment Pending Resolution of Motions and Post-Trial Appeal (Hewlett-Packard's Judgment Motions").

The Order entered November 13, 2014 clearly contemplated that the Court would retain jurisdiction, pending resolution of the 5 enumerated Motions. I am not persuaded that there is any substantive distinction between orders entered under Rules 54(b) and 58(1). Rule 58(1) is explicitly subject to the provisions of Rule 54(b).

However, it is in the interest of all parties to avoid any potential procedural quagmire. The logical path forward is to resolve the outstanding post-trial motions without divesting the Superior Court of jurisdiction through a premature appeal.

PICA shall file its response to Hewlett-Packard's Judgment Motions by December 10, 2015. Specifically, what is PICA's position on the propriety of a stay of execution of the judgment, on the condition of a *supercedas* bond? Obviously, the best result would be if the parties can reach an agreement that preserves appellate rights, as well as orderly presentation of post-trial motions.

SO ORDERED.

/s/ Mary M. Johnston
Judge Mary M. Johnston