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October 28, 2015

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Re: *Smashburger Master LLC v. Prokupek*  
C.A. No. 9898-VCN  
Date Submitted: July 28, 2015

Dear Counsel:

I write regarding the Proposed Order filed by the Special Master on July 16, 2015, revised on July 21, 2015.

One objection was filed by Smashburger Master LLC. The objection sought to exclude proposed Prokupek Exhibit 8. The debate is whether the document was acquired improperly.

The objection is overruled. I am satisfied that the independent firm(s) should be allowed access. The potential prejudice is minimal, and resolving the

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apparent factual dispute<sup>1</sup> about how access to the document was obtained should not be pursued because of the risk of delay.

With that conclusion, to the extent that it may be necessary, the Special Master's order is confirmed.

**IT IS SO ORDERED.**

Very truly yours,

*/s/ John W. Noble*

JWN/cap  
cc: Neal C. Belgam, Esquire  
Register in Chancery-K

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<sup>1</sup> See Declaration of David Prokupek (July 28, 2015) ¶¶ 2-6.