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July 11, 2012

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Re: *Visbal Salgado v. Mobile Services International, LLC, et al.*
C.A. No. 5268-VCN
Date Submitted: July 10, 2012

Dear Counsel:

Defendants have moved for reargument of this Court's June 27, 2012 decision (the "Decision") allowing a limited period of time for closing out written discovery in this matter.

The thrust of Defendants' motion goes to the cost of this litigation and the burden that it has imposed upon them. They highlight the problems that additional expenses associated with additional discovery will cause them. That the case has been "over-litigated" and the costs—especially when measured in the context of

what may be at stake—are excessive is likely an all-too-accurate observation. Perhaps one side bears greater responsibility for the current state of affairs, but certainly there is plenty of blame to be shared by all parties.

More importantly, the Defendants' effort to change the outcome of the Decision must be assessed under Court of Chancery Rule 59(f). To succeed on a motion for reargument, the moving party must show that the Court misunderstood a material fact or misapplied the law.[1] Although one can understand why the Defendants may not agree with the Court's conclusion, the Defendants simply have not satisfied either of the prongs of the applicable standard.

Accordingly, the Defendants' Motion for Reargument—assuming that is how their letter of July 3, 2012, should be characterized—is denied.

IT IS SO ORDERED.

Very truly yours,

/s/ John W. Noble

JWN/cap
cc: Register in Chancery-K

[1] *See, e.g.*, *PharmAthene, Inc. v. SIGA Techs., Inc.*, 2011 WL 6392906, at *1 (Del. Ch. Dec. 16, 2011); *Miles, Inc. v. Cookson Am., Inc.*, 677 A.2d 505, 506 (Del. Ch. 1995) (citation omitted).