

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

LEO E. STRINE, JR.
CHANCELLOR

New Castle County Courthouse
Wilmington, Delaware 19801

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Date Decided: July 31, 2013

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RE: City of Roseville Employees' Retirement System, et al. v. Lawrence J. Ellison, et al., Civil Action No. 6900-CS

Dear Counsel:

A review of the Individual Defendants' motion for reconsideration reveals no misapprehension of the fact that the defendants sought to file a fact-laden motion for summary judgment at a point in trial preparation prejudicial to the plaintiffs, inconsistent with the scheduling order that they agreed to, that would require the plaintiffs to disrupt trial preparation and respond to the motion before expert discovery was complete, and impose on the plaintiffs the unfair need to consider a belated case-dispositive motion in an expedited fashion without good cause. The undisputed reality is that the motion depends on evidence regarding subject matters on which the defendants refused to

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provide discovery, relying on a discovery limitation they themselves had sought. The court adheres to its view that the defendants cannot limit fair discovery into a subject matter and then use selective evidence regarding that subject matter offensively. That one-sided approach is inconsistent with basic fairness and justice. The motion for reconsideration is therefore DENIED. IT IS SO ORDERED.

Very truly yours,

/s/ Leo E. Strine, Jr.

Chancellor