EFiled: Apr 14 2015 02:07PM EDT
Transaction ID 57076106
Case No. 010753-VCG

COURT OF CHANCERY
OF THE
STATE OF DELAWARE

Sam Glasscock III
VICE CHANCELLOR

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April 14, 2015

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RE: *Gordon v. National Railroad Passenger Corporation*,
C.A. No. 10753-VCG

Dear Counsel:

This matter is before me on a Stipulation of Dismissal with Prejudice. An uninformed observer noting the civil action number, 10753, might think that this action had been filed earlier this year. That observer would be incorrect. This matter would not be considered young, even in the glacially-paced Chancery Court made infamous in English fiction.[1] The action number in question was assigned before the current series of civil action numbers, before electronic filing, before the tenure of the current Chancellor or his predecessor. In fact, "[a] long procession of Chancellors has come in and gone out . . ."[2] since the Complaint was filed on April 7, 1989, during the tenure of Chancellor Allen. It was eventually case assigned to a brand-new Vice Chancellor, William B. Chandler III. In those long-ago days, the cell phone was an exotic rarity, and the Internet was not yet available to the public.

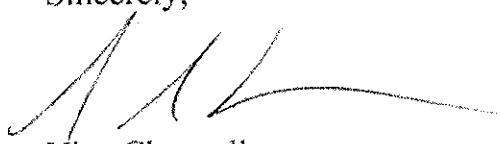
[1] *See* Charles Dickens, Bleak House (Bradbury & Evans 1853).
[2] *Id.* at 3.

My current law clerks were in diapers. Even I, in that misty and half-legendary era, could consider myself a young man.[3]

The matter was already ten years old when I was appointed a Master. It has been extensively and at times vigorously litigated,[4] and, without going into details no longer of interest to the current generation, its testudinal progress has been due to neither sloth on the part of the parties nor fault on the part of their attorneys. It is notable, however, that I have signed the attached Stipulation of Dismissal as an order of this Court twenty-five years and seven days after the Complaint was filed.

I congratulate Counsel on their efforts, proven successful after a quarter century, to navigate the regulatory and political maze necessary to a successful outcome in this matter.[5] I had hoped to do so in person, but scheduling rendered that impossible. Nonetheless, as "all partings foreshadow the great final one,"[6] I should not fail to take this opportunity to salute your efforts with this brief, earnest word, hoping that it is as good as a speech.[7] A Stipulation and Order is attached. *Sic omnis finis litium.*

Sincerely,



Vice Chancellor

cc: Register in Chancery

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[3] I am, I am afraid, "of what is called the old school—a phrase generally meaning any school that seems never to have been young." *Id.* at 8.

[4] *See, e.g.*, 2002 WL 550472 (Del. Ch. Apr. 5, 2002); 1999 WL 1204854 (Del. Ch. Nov. 23, 1999); 1999 WL 1022081 (Del. Ch. Oct. 26, 1999); 1997 WL 298320 (Del. Ch. Mar. 19, 1997).

[5] In the true spirit of "members of the . . . Chancery bar . . . mistily engaged in one of the ten thousand stages of an endless cause, tripping one another up on slippery precedents, groping knee-deep in technicalities . . . ." Charles Dickens, Bleak House 2 (Bradbury & Evans 1853).

[6] *Id.* at 560.

[7] *Id.* at 45.

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Transaction ID 57035400
Case No. 010753-VCG

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

BERNARD M. GORDON, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Consolidated
	)	C.A. No. 10753
NATIONAL RAILROAD PASSENGER CORPORATION, *et al.*,	)	
	)	
Defendants.	)	

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED by and between the parties hereto, through their respective counsel, that the above-captioned action is dismissed with prejudice with each party to pay its own costs and counsel fees.

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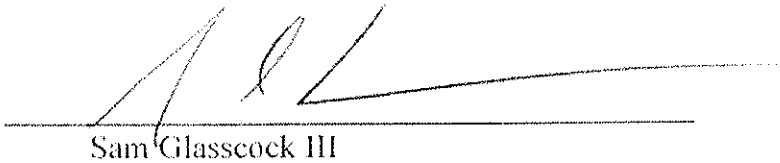
Attorneys for Defendant
National Railroad Passenger Corporation

IT IS SO ORDERED this 14 day of April, 2015.



Sam Glasscock III
Vice Chancellor

[PAC 1185839 / 17653]