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May 19, 2023

By File & Serve

The Honorable Morgan T. Zurn
Court of Chancery
Leonard L. Williams Justice Center
500 North King Street
Wilmington, Delaware 19801

Re: *In re AMC Entertainment Holdings, Inc. Stockholder Litigation,*
Consol. C.A. No. 2023-0215-MTZ

Dear Vice Chancellor Zurn:

This firm, together with Anthony A. Rickey, Esq. of Margrave Law LLC, represent AMC stockholder and potential objector Rose Izzo (“Ms. Izzo”). We had intended to appear on Ms. Izzo’s behalf on Monday morning to address Ms. Izzo’s access to the discovery record. We see, however, that the Court has asked for exceptions this evening. Given the hour, it is unlikely that the Register can enter our appearance before tomorrow’s hearing. We therefore hope the Court will consider this letter and permit me to speak on Ms. Izzo’s behalf tomorrow.

The Special Master’s Report dated May 19, 2023 (the “Report”) correctly recommends that potential objectors be granted access to the discovery record, and Ms. Izzo takes no exception to that recommendation. She does, however, take exception to Defendants’ demand for a new “Exhibit B” to the existing

confidentiality order. Report at 8. This is unnecessary. One of Ms. Izzo’s counsel has represented numerous objectors before this Court, and his clients have become subject to the Court’s orders by filing agreements to be bound in the same or similar form as class plaintiffs. *See, e.g.*, Ex. A hereto.

It is also prejudicial, as it casts objectors as scofflaws in advance of any violation. The Court’s orders presuppose that anyone—*pro se* or represented, billionaire or pauper—will comply with them in good faith. True, stockholder plaintiffs have, in the past, traded while in possession of confidential information. Class plaintiffs are not, as a consequence, required to stipulate that the Court *will* require self-reporting as a remedy for a violation.¹ The Court possesses discretion to issue such a sanction if its orders are contravened, whether a stockholder stipulates to it or not. Defendants’ concerns would be better addressed by allowing them, if they desire, to include with any discovery a letter expressing their view of the consequences that they will seek if an objector violates the Court’s order.

Finally, while the Special Master made no recommendation as to the means of providing access to the discovery record (Report at 11), Ms. Izzo respectfully requests that discovery information be made available electronically. Ms. Izzo’s counsel are currently working towards an expedited deadline and a cumbersome physical procedure will be prejudicial.

¹ *See* D.I. 294, Ex. A, Ex. B ¶ 9 (“I acknowledge that if I violate Sections 7 or 8 of this agreement the Court *will* direct me to self-report....” (emphasis added)).

I am available at the Court's convenience should Your Honor have any questions. I have submitted this letter because the issues decided will have an impact on my client, Ms. Izzo. In light of the fact that my client was not on the initial motion papers, Ms. Izzo's position is that this letter on its own does not trigger the need for the hearing tomorrow. However, if the hearing is to go forward, I respectfully request permission to appear at the hearing tomorrow morning at 8:00 a.m.

Respectfully submitted,

/s/ Theodore A. Kittila (DE Bar No. 3963)

Theodore A. Kittila, Attorney at Law
Halloran Farkas + Kittila LLP

Counsel for Potential Objector Rose Izzo

Words: 485

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