



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

**SCHUFF INTERNATIONAL, INC.) CONSOLIDATED
STOCKHOLDERS LITIGATION) C.A. NO. 10323-VCZ**

**OBJECTOR FAIR VALUE INVESTMENTS INCORPORATED'S
MOTION FOR ENLARGEMENT OF TIME
TO FILE OBJECTION TO REVISED SETTLEMENT**

Objector Fair Value Investments Incorporated (“FVI”), by and through its undersigned counsel, respectfully moves for entry of an order enlarging the time to file an objection (if any) to the Stipulation and Agreement of Compromise, Settlement, and Release (“Revised Settlement”) by an additional three (3) weeks – or July 17, 2020. FVI seeks the enlargement to provide FVI further time to consider the terms of the Revised Settlement. In support of its Motion, FVI states as follows:

1. On November 15, 2019, the parties to this action filed a Stipulation and Agreement of Compromise, Settlement, and Release (“Original Settlement”). (Trans. ID 94436578).

2. On January 24, 2020, FVI filed its Objection and papers in support thereof. (Trans. ID 64655731, 64659016).

3. On February 13, 2020, the Court held a settlement hearing to consider whether to approve the Original Settlement, at the conclusion of which the Court articulated five primary issues and asked the parties whether they wished to have the Court decide whether to approve the Original Settlement as presented to the

Court or whether the Court should allow time for discussion to consider a revised settlement framework. The parties requested additional time to consider a revised settlement framework. (Transcript at 78-80).

4. On May 8, 2020, the parties to this action filed the Revised Settlement. (Trans. ID 65626502).

5. On May 12, 2020, the Court entered a Scheduling Order (“Scheduling Order”) with respect to the Revised Settlement, which provided that a hearing on the Revised Settlement would be held on Tuesday, August 11, 2020 at 1:30 p.m. (“Settlement Hearing”) and which set the following filing deadlines:

- a. Plaintiff was required to file his brief in support of the Revised Settlement not later than May 26, 2020;
- b. Any objector was to file an objection to the Revised Settlement on or before Friday, June 26, 2020; and
- c. The parties are to file any reply briefs in further support of the Revised Settlement no later than fourteen (14) calendar days prior to the Settlement Hearing – or Tuesday, July 28, 2020.

6. Paragraph 13 of the Scheduling Order also provides that “The Court may, for good cause, extend any of the deadlines set forth in this order without further notice.”

7. On May 20, 2020, Plaintiff filed a letter with the Court requesting a ten (10) day extension to file his brief in support of the Revised Settlement. (Trans. ID 65649338).

8. On May 21, 2020, the Court granted Plaintiff's request, ordering that Plaintiff file his brief in support of the Revised Settlement on or before Friday, June 5, 2020. (Trans. ID 65649604). The time to file an objection to the Revised Settlement was not extended.

9. On June 5, 2020, Plaintiff filed Plaintiff's Brief in Support of Final Approval of the Revised Settlement ("Plaintiff's Brief"). (Trans. ID 65680942). This filing was made under seal purportedly under Court of Chancery Rule 5.1.

10. On June 9, 2020, Plaintiff filed a public version of the Plaintiff's Brief, which contained no redactions. (Trans. ID 65686299). FVI was not served with the public version of Plaintiff's Brief, but received from counsel for HC2 a copy of the public version of Plaintiff's Brief.

11. Should the Court grant's FVI's request for an additional three (3) weeks to file any objection – or July 17, 2020 – the parties would suffer no prejudice and would have over three (3) weeks before the Settlement Hearing and one-and-a-half (1.5) weeks before their reply briefs are scheduled to be due. This time for the reply is consistent with Court Guidelines should FVI choose to file an objection. *See* Guidelines for Persons Litigating in the Court of Chancery

§11(b)(ii)(c)-(d) (contemplating that a settlement scheduling order should provide for objections to be filed ten (10) days before the hearing date and a short reply in response to be filed five (5) days prior to the hearing date).

WHEREFORE, for the foregoing reasons, FVI respectfully requests that the Court enter an Order in the form submitted simultaneously herewith declaring that FVI's objection to the Revised Settlement shall be filed by July 17, 2020.

Dated: June 23, 2020

CHIMICLES SCHWARTZ KRINER &
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CERTIFICATE OF SERVICE

I, Tiffany J. Cramer, hereby certify that on June 23, 2020, I caused a copy of the foregoing to be filed and served upon the following counsel of record via File & ServeXpress:

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