



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

SAM GLASSCOCK III
VICE CHANCELLOR

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

May 23, 2023

Joel Friedlander, Esquire
Jeffrey M. Gorris, Esquire
David Hahn, Esquire
Friedlander & Gorris, P.A.
1201 N. Market Street, Suite 2200
Wilmington, DE 19801

Elena C. Norman, Esquire
Richard J. Thomas, Esquire
Alberto Chávez, Esquire
Young Conaway Stargatt & Taylor, LLP
1000 North King Street
Wilmington, DE 19801

Thomas A. Beck, Esquire
Blake Rohrbacher, Esquire
Susan M. Hannigan, Esquire
Matthew D. Perri, Esquire
Daniel E. Kaprow, Esquire
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801

RE: *In re Oracle Corporation Derivative Litigation*,
C.A. No. 2017-0337-SG

Dear Counsel:

I have, I fear, done Plaintiffs' counsel a disservice. In my Memorandum Opinion of May 12, 2023, I briefly addressed the withdrawn allegations of liability against Renee James. In a footnote to page 54 of that decision, I wrote that the case against James "had some odor of denigrating the abilities of women executives to succeed based on their merits."

I stand behind what I intended from this language. I meant to reference a topic I hope I am sensitive to. The Plaintiffs' contention was that Ms. James used personal relationships in an attempt to further her career as an executive, in a way that breached her fiduciary duties to Oracle. I was concerned that, in addressing this argument (as I did when considering and denying James' Motion for Summary Judgment), I could be seen as furthering a pernicious generalization: that women, uniquely, use relationships in an invidious manner, to compensate for barriers to advancement that are themselves invidious. Obviously, I do not endorse this view. This is the "odor of denigration" that I was attempting to reference with respect to Ms. James.

My language, however, was imprecise, allowing for an impression that, in this specific case, I was accusing Plaintiffs' counsel of presenting sexist arguments. They did not, and it was not my intent to imply that they did so. The Plaintiffs' briefing and argument was within all ethical bounds. Moreover, as my denial of summary judgment indicates, the Plaintiffs had sufficient factual support to carry the matter to trial, although ultimately it fell short. Nothing in Plaintiffs' litigation of the case implied sexism.

I have great respect for the Robbins Geller, Robbins, and Friedlander & Gorris firms, and for the individual counsel who have tried the Oracle matter ably over several years. I should have made that clear in the context of the footnote

regarding Ms. James. I have placed this letter on the docket in an attempt to correct any misperceptions I have caused.

Sincerely,

/s/ Sam Glasscock III

Sam Glasscock III

cc: All counsel of record (by *File & ServeXpress*)