



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE DELL TECHNOLOGIES INC.) CONSOLIDATED
CLASS V STOCKHOLDERS) C.A. No. 2018-0816-JTL
LITIGATION)

ORDER REQUESTING ADDITIONAL INFORMATION

1. On December 22, 2022, the parties in this action entered into a Stipulation and Agreement of Settlement, Compromise, and Release. Dkt. 501 (the “Settlement”). The court has scheduled a settlement hearing for April 19, 2023.

2. On April 11, 2023, a group of non-party law professors (the “Law Professors”) moved for leave to participate as *amici curiae*. Dkt. 522. The court granted the motion. Dkt. 523.

3. Consistent with a recommendation in the Law Professors’ submission, each firm representing the plaintiffs will provide the following information:

a. The number of fee agreements that the firm has negotiated *ex ante* with clients during the past five years.

b. What percentage of the firm’s representations have *ex ante* fee agreements.

c. The number of the firm’s *ex ante* fee agreements that provide for a flat percentage of the recovery regardless of its magnitude, along with a summary for *in camera* review of the percentages used (i) across all fee agreements of this type and (ii) in fee agreements of this type associated with mega-cases.

d. The number of the firm's *ex ante* fee agreements that provide for a percentage of recovery that increases as the magnitude of the recovery increases, along with a summary for *in camera* review of the breakpoints and associated percentages (i) across all fee agreements of this type and (ii) in fee agreements of this type associated with mega-cases.

e. The number of the firm's *ex ante* fee agreements that provide for a percentage of recovery that decreases as the magnitude of recovery decreases, along with a summary for *in camera* review of the breakpoints and associated percentages (i) across all fee agreements of this type and (ii) in fee agreements of this type associated with mega-cases.

f. An explanation of any salient characteristics associated with the firm's *ex ante* fee agreements, such as:

- i. Are there particular firm clients or types of clients who use them?
- ii. Are there particular types of cases when the firm uses *ex ante* agreements?
- iii. Does the firm's use of *ex ante* fee agreements vary with the size of the client's stake?
- iv. Does the magnitude of the expected recovery affect the firm's use of an *ex ante* agreement?

4. Consistent with a recommendation in the Law Professors' submission, Plaintiffs' Counsel will identify whether there are any counsel who have not appeared in the case who will receive a fee from the Settlement. If there are, Plaintiffs' Counsel will (i) identify the firm, (ii) identify the share of the fee that the firm will receive, (iii) explain

how the firm's share is being determined, and (iv) explain why the firm is receiving a share of the fee.

5. Plaintiffs' Counsel will file a submission providing this information on or before April 17, 2023.



Vice Chancellor Laster
April 12, 2023