



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE AMC ENTERTAINMENT)
HOLDINGS, INC. STOCKHOLDER) Consol. C.A. No. 2023-0215-MTZ
LITIGATION)

ORDER DENYING EXCEPTIONS

WHEREAS, on April 13, 2023, non-party Brian Tuttle filed correspondence with the Court that the Court treated as a motion to intervene;¹

WHEREAS, on April 17, 2023, Plaintiffs' opposed Mr. Tuttle's motion to intervene;²

WHEREAS, on April 25, 2023, the Court appointed Corinne Amato to serve as a Special Master (the "Special Master") "with the charge of reviewing any and all stockholder motions to intervene, as well as any oppositions and replies thereto, and making recommendations as to whether they should be granted";³

WHEREAS, on May 8, 2023, the Special Master issued a report and recommendation recommending the Court deny Mr. Tuttle's motion to intervene (the "Report");⁴

WHEREAS, on May 9, 2023, Mr. Tuttle filed an "Response and Objections to the Report and Recommendations of the Special Master-Regarding Brian

¹ Docket Item ("D.I.") 87.

² D.I. 101.

³ D.I. 149 ¶ 1.

⁴ D.I. 224.

Tuttle’s Motion to Intervene,”⁵ which the Court treated as a notice of exceptions (the “Exceptions”) to the Report;⁶

WHEREAS, on May 9, 2023, the Court entered a minute order setting a briefing schedule on the Exceptions;⁷

WHEREAS, on May 12, 2023, Mr. Tuttle filed a “Motion for Declaratory Relief and Brief in Support”;⁸

WHEREAS, on May 15, 2023, Mr. Tuttle filed his opening brief in support of the Exceptions;⁹

WHEREAS, on May 22, 2023, Plaintiffs filed a response opposing the Exceptions;¹⁰

WHEREAS, on May 24, 2023, Mr. Tuttle filed a reply in further support of the Exceptions;¹¹

AND NOW, on this 30th day of May, 2023, the Court finds and orders as follows:

⁵ D.I. 254.

⁶ D.I. 262.

⁷ *Id.*

⁸ D.I. 282; D.I. 285.

⁹ D.I. 288.

¹⁰ D.I. 319.

¹¹ D.I. 334.

1. A hearing on the Exceptions is unnecessary. The Court has considered *de novo* the rulings in the Report.¹²

2. The Court agrees with the Report's conclusion that Mr. Tuttle's arguments as to the fairness of the settlement and the adequacy of plaintiffs' representation are more properly presented, and more efficiently considered, as objections to the terms of the settlement in this matter. Given the Special Master reached this conclusion on May 8, 2023, Mr. Tuttle has been afforded adequate time to raise these matters in the form of an objection before the May 31 deadline.

3. Mr. Tuttle has explained that he filed his "Motion for Declaratory Relief and Brief in Support" in furtherance of his motion to intervene, in an endeavor to satisfy Rule 24(c)'s pleading requirement.¹³ Because his motion to intervene is denied, I do not reach his request for declaratory relief.

4. Mr. Tuttle's Exceptions are otherwise **DENIED**.

/s/ Morgan T. Zurn
Vice Chancellor Morgan T. Zurn

¹² See *DiGiacobbe v. Sestak*, 743 A.2d 180, 184 (Del. 1999).

¹³ D.I. 282; D.I. 285.