

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

WILLIAM B. CHANDLER III
CHANCELLOR

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Submitted: June 16, 2008
Decided: June 16, 2008

Joel E. Friedlander
Bouchard Margules & Friedlander PA
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

Bruce L. Silverstein
David C. McBride
Danielle Gibbs
Richard J. Thomas
Young Conaway Stargatt
& Taylor LLP
1000 West St.
Wilmington, DE 19801

Edward P. Welch
Edward B. Micheletti
Randolph K. Herndon
Rachel J. Barnett
Michael McGraw
Skadden, Arps, Slate, Meagher
& Flom LLP
One Rodney Square
P.O. Box 636
Wilmington, DE 19899

Re: *In re Yahoo! Inc. S'holders Litig.*
Civil Action No. 3561-CC

Dear Counsel:

On June 9, 2008, plaintiffs filed a “motion to set trial date,” which, despite its novel name, was in effect a renewed motion to expedite. When a party moves for expedition, this Court must conduct “a truncated determination of the merits of the underlying claims alleged and an examination of the necessity for prompt adjudication sufficient to impose the increased burdens that an expedited proceeding entails.”¹ To successfully earn expedition, the movant must show good cause why it is necessary to impose upon the counterparty and the Court these substantially increased burdens of time, effort, and expense.² To meet this

¹ *Brown v. Rite-Aid Corp.*, C.A. No. 094-N, 2004 WL 723153, at *1 (Del. Ch. Mar. 29, 2004).

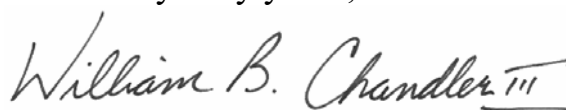
² *See Greenfield v. Caporella*, C.A. No. 8710, 1986 WL 13977, at *2 (Del. Ch. Dec. 3, 1986) (“This Court does not set matters for an expedited hearing or permit expedited discovery unless there is a showing of good cause why that is necessary.”); *see also Madison Real Estate*

standard, the movant “must articulate a sufficiently colorable claim and show a sufficient possibility of a threatened irreparable injury”³

I have reviewed the briefs of both sides and the two supplemental submissions of the plaintiffs. I have concluded that plaintiffs have failed to meet their burden here. Aside from the maelstrom of media coverage, very little has changed about plaintiffs’ core contentions since I denied plaintiff’s previous request for expedition. Moreover, defendants have filed a dispositive motion to dismiss plaintiffs’ amended complaint that challenges the legal sufficiency of those contentions. I encourage the parties to confer and set a prompt briefing schedule on defendants’ motion. The Court is willing to and capable of deciding that motion before the Yahoo! annual shareholders’ meeting on August 1, 2008.

IT IS SO ORDERED.

Very truly yours,

A handwritten signature in cursive script that reads "William B. Chandler III". The signature is written in dark ink and is positioned above the printed name.

William B. Chandler III

WBCIII:ram

Immobilien-Analgegesellschaft beschränkt haftende KG v. GENO One Fin. Place, L.P., C.A. No. 1928-N, 2006 WL 456779, at *2 (Del. Ch. Feb. 22, 2006) (describing expedited proceedings as “imposing on the defendants and the public the extra (and sometimes substantial) costs”).

³ *In re Sungard Data Sys., Inc. S’holders Litig.*, C.A. No. 1221-N, 2005 WL 1653975, at *2 (Del. Ch. July 8, 2005) (examining plaintiffs’ amended complaint to ascertain whether plaintiffs made the requisite showing of a colorable claim and irreparable harm).