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May 19, 2021

The Honorable Richard G. Andrews
The United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

BY ELECTRONIC FILING

Re: *ChanBond, LLC vs. Atlantic Broadband Group, LLC et al.,*
C.A. No. 15-842 (RGA) (Consolidated)

Dear Judge Andrews:

As discussed with the Court at the April 19 and May 13, 2021 teleconferences, the parties have conferred on a potential jury instruction addressing the trial in the context of the COVID-19 pandemic, but were unable to reach agreement on whether one is necessary and, if so, what it should be. Defendant's proposed instruction is attached as Exhibit A and Plaintiff's proposed instruction, to the extent the Court believes one is needed, is attached as Exhibit B.

The parties are available to discuss at the Court's convenience.

Respectfully,

/s/ Anthony D. Raucce

Anthony D. Raucce (#5948)

Enclosures

cc: All Counsel of Record (w/enc. - by e-mail)

EXHIBIT A

COVID-19 Pandemic Instruction

As you may be aware, the District of Delaware had previously suspended all jury trials, civil and criminal, due to the impact of the COVID-19 pandemic. In April 2021, after consideration of both the improving conditions in Delaware and the development of safety protocols, the District of Delaware lifted the suspension allowing jury trials to resume. I set this trial on my trial calendar many months ago. When the decision was made to resume jury trials, I simply resumed my normal trial calendar while implementing appropriate COVID-19 precautions.

The Court recognizes that Delaware, and the nation, are still confronting the COVID-19 pandemic; however, you should not draw any inferences or conclusions based on the Court's decision to conduct this trial at this time. This case is not a unique case and it is no more, or less important because it is being conducted at this time. The Court believes that the COVID-19 pandemic is sufficiently under control in Delaware to proceed with trials.

As mentioned, I have implemented COVID-19 precautions for the health and safety of all trial participants. These precautions include social distancing, wearing masks, and having a limited number of people present in the courtroom at any one time. As a result of the Court's limitations and precautions, you may see different attorneys cycle in and out of the courtroom during the trial, and you may notice neither side has a party representative present. These are precautionary measures taken to ensure the safety of all participants, and you should not read into or consider the presence or absence of any participant due to these precautions in considering the evidence and arriving at your verdict.

EXHIBIT B

COVID-19 Pandemic Instruction

In April 2021, after consideration of both the improving conditions in Delaware and the development of safety protocols, the District of Delaware determined to resume jury trials.

I have implemented COVID-19 precautions for the health and safety of all trial participants. These precautions include social distancing, wearing masks, and having a limited number of people present in the courtroom at any one time. As a result, you may see different attorneys cycle in and out of the courtroom during the trial, and you may notice neither side has a party representative present. These are precautionary measures taken to ensure the safety of all participants, and you should not consider the presence or absence of any participant due to these precautions in considering the evidence and arriving at your verdict.