

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)

**REPORT AND RECOMMENDATION OF
SPECIAL MASTER REGARDING A. MATHEW'S MOTION
TO MODIFY STATUS QUO AND MOTION FOR
REVOCATION OF VOTING PRIVILEGES OF APE SHARES
BASED ON INFRINGEMENT OF DGCL GUIDELINES**

PRICKETT, JONES & ELLIOTT, P.A.
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Special Master

Dated: June 13, 2023

REPORT AND RECOMMENDATION

This report and recommendation addresses A. Mathew’s (“Mathew”) Motion to Modify Status Quo, filed June 5, 2023, and Motion for Revocation of Voting Privileges of APE Shares Based on Infringement of DGCL Guidelines, filed June 7, 2023 (the “Motions”).¹ Mathew seeks various forms of relief premised on purported violations of 8 *Del. C.* § 242 and his concerns regarding the timeline for the Court to evaluate the proposed settlement.

I recommend that the Court deny the Motions because Mathew “is a nonparty without standing to move this Court for relief.”² Mathew’s allegations of misconduct and complaints about the timeline would have been more appropriately raised in an objection to the proposed settlement³ but the objection deadline has passed.⁴

¹ Trans. IDs 70144297; 70154537. I presume familiarity with the general nature of this dispute.

² June 8, 2023 Report and Recommendation of Special Master Regarding A. Mathew’s Motion for Discovery of Allegheny Plaintiff’s Trading History and Investigation of Motion for Issuance of Stock Certificate (“Allegheny Report”) at 1, 3 (Trans. ID 70160184) (“Mathew is not a party to this action. I previously recommended that the Court deny Mathew’s motion to intervene and Mathew did not take exception to that recommendation.”); June 8, 2023 Order Denying Exceptions (“Exception Order”) ¶ 3 (Trans. ID. 70164824) (“The Special Master denied Mr. Affholter’s motion to intervene, and he did not take exception: he is a nonparty without standing to move this Court for relief.”).

³ *See, e.g.*, Exception Order ¶ 14.

⁴ Even if Mathew determined to repackage the contents of the Motions as an untimely objection, there is no guarantee the Court would consider it. Exception

Dated: June 13, 2023

PRICKETT, JONES & ELLIOTT, P.A.

/s/ Corinne Elise Amato

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Order ¶ 13 (“I repeat to Mr. Affholter what every other AMC stockholder who has contacted the Court has been told: he is free to submit his untimely objection, but there is no guarantee it will be considered.”). The Court also need not consider serial objections and Mathew already submitted one non-compliant objection. May 3, 2023 Letter to Counsel from the Court re: Letter to Stockholders, Ex. 1 (Trans. ID 69944998) (“If a stockholder submits more than one objection, the Special Master and the Court will only consider the first objection the plaintiffs’ counsel receives.”); Allegheny Report at 1 (describing Mathew’s non-compliant objection).

CERTIFICATE OF SERVICE

I, Corinne Elise Amato, certify on this 13th day of June, 2023, that I caused a copy of the foregoing *Report and Recommendation of Special Master Regarding A. Mathew's Motion to Modify Status Quo and Motion for Revocation of Voting Privileges of Ape Shares Based on Infringement of DGCL Guidelines* to be served via File & ServeXpress on the following counsel of record:

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I further certify that, on June 13, 2023, I caused a true and correct copy of the *Report and Recommendation of Special Master Regarding A. Mathew's Motion to Modify Status Quo and Motion for Revocation of Voting Privileges of Ape Shares Based on Infringement of DGCL Guidelines* to be served via File & ServeXpress upon the following Pro Se parties:

Via Email by File and ServeExpress:

A. Mathew

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/s/ Corinne Elise Amato
Corinne Elise Amato (#4982)