

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

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VICE CHANCELLOR

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February 18, 2013

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Re: *In re: Milton Grant 2006 Family Irrevocable Trust Agreement
Number One*
Civil Action No. 5671-VCG
Date Submitted: January 22, 2013

Dear Counsel:

I have received your submissions concerning the Guardian Ad Litem's ("GAL") request for payment of attorneys' fees from the Trust. Petitioner Thomas Grant has objected to the request, but does not dispute that the GAL is owed the amount claimed.¹ Rather, Thomas argues that because Bessemer Delaware has

¹ With one exception: Thomas contends that the \$869.00 fee for a transcript should not be reimbursed, because it would effectively charge Trust One for two copies of the transcript, one for Bessemer Delaware and another for the GAL. Response to Guardian *Ad Litem's* First Interim Application for Attorney's Fees 11 n.1. Because the evidence before me indicates that the GAL

acted in bad faith in limiting the distributions from Trust One (allegedly in retaliation for Thomas's litigation against Bessemer Florida), the GAL's fees should be paid, in full or in part, by Bessemer DE.²

In light of the ongoing inquiry into the existence of a possible conflict of interest for Bessemer DE, I agree with the GAL that the appropriate time to consider a request to shift fees is at the end of this litigation. Any fees paid from Trust One to the GAL as a result of purported bad-faith conduct can be reimbursed at that time. Accordingly, I am granting the GAL's Application for Attorneys' Fees. To the extent the foregoing requires an order to take effect,
IT IS SO ORDERED.

Sincerely,

/s/ Sam Glasscock III

Sam Glasscock III

has acted in good faith to keep down the costs of this litigation, including billing at a reduced rate, I will allow reimbursement for the transcript.

² *Id.* at 5.