

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

JB AND MARGARET BLAUGRUND)
FOUNDATION,)

Plaintiff,)

v.)

C.A. No. 2021-1094-NAC

GUGGENHEIM FUNDS INVESTMENT)
ADVISORS, LLC, TORTOISE CAPITAL)
ADVISORS, L.L.C., RANDALL C.)
BARNES, ANGELA BROCK-KYLE,)
DONALD A. CHUBB, JR., JERRY B.)
FARLEY, ROMAN FRIEDRICH III,)
THOMAS F. LYDON, JR., RONALD A.)
NYBERG, SANDRA G. SPONEM,)
RONALD E. TOUPIN, JR., and AMY J.)
LEE)

Defendants,)

and)

FIDUCIARY/CLAYMORE ENERGY)
INFRASTRUCTURE FUND,)

Nominal Defendant.)

**ORDER RESOLVING DEFENDANTS’
MOTIONS TO DISMISS**

WHEREAS, the Court having considered the Motion to Dismiss filed by Guggenheim Funds Investment Advisors, LLC and the Trustee Defendants, and the Motion to Dismiss filed by Tortoise Capital Advisors, L.L.C., and for the reasons set forth in the Court’s February 22, 2023, oral ruling,

IT IS HEREBY ORDERED, this 22nd day of February 2023, that:

1. The Motion to Dismiss filed by Guggenheim Funds Investment Advisors, LLC and the Trustee Defendants is DENIED as to Defendants Guggenheim Funds Investment Advisors, LLC, Randall C. Barnes, Angela Brock-Kyle, Thomas F. Lydon, Jr., Ronald A. Nyberg, Sandra G. Sponem, Ronald E. Toupin, Jr., and Amy J. Lee;

2. The Motion to Dismiss filed by Guggenheim Funds Investment Advisors, LLC and the Trustee Defendants is GRANTED as to Defendants Donald A. Chubb, Jr., Jerry B. Farley, and Roman Friedrich III;

3. The Motion to Dismiss filed by Tortoise Capital Advisors, L.L.C. is GRANTED; and

4. Defendants Tortoise Capital Advisors, L.L.C., Donald A. Chubb, Jr., Jerry B. Farley, and Roman Friedrich III are DISMISSED WITH PREJUDICE.

/s/ Nathan A. Cook
Vice Chancellor Nathan A. Cook