



GRANTED

EFiled: Apr 18 2022 09:10AM EDT
Transaction ID 67483680
Case No. 2020-1018-LWW



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

SAL GILBERTIE, CORY MULLEN-
RUSIN, STEVE KAHLER, CARL
MILLER III, and TEUCRIUM
TRADING LLC,)

Plaintiffs and)
Counterclaim-Defendants,)

v.)

DALE RIKER and BARBARA
RIKER,)

Defendants and)
Counterclaim-Plaintiffs.)

C.A. No. 2020-1018-LWW

**[PROPOSED] ORDER IMPLEMENTING RULING ON
PLAINTIFFS’ MOTION TO DISMISS COUNTERCLAIM**

WHEREAS, on September 3, 2021, Defendants/Counterclaim Plaintiffs Dale Riker and Barbara Riker filed an Answer to Verified Amended Complaint With Affirmative Defenses and Verified Counterclaims (such counterclaims, the “Counterclaims”);

WHEREAS, on October 15, 2021, Plaintiffs/Counterclaim Defendants Sal Gilbertie, Cory Mullen-Rusin, Steve Kahler, Carl Miller III, and Teucrium Trading LLC filed a Motion to Dismiss Counterclaim (the “Motion”);

WHEREAS, after briefing and argument, the Court on April 6, 2022 issued a telephonic oral ruling concerning the Motion; and

WHEREAS, during the April 6, 2022 teleconference, the Court requested that the parties submit an order implementing the Court’s ruling within one week;

NOW, THEREFORE, for the reasons set forth in the telephonic oral ruling of April 6, 2022, IT IS HEREBY ORDERED, this ____ day of _____, 2022, that:

1. The Motion is **GRANTED IN PART** and **DENIED IN PART**.
2. Count VIII of the Counterclaims is **DISMISSED WITHOUT PREJUDICE** with leave to replead.
3. Counts I-II, IV-VII, and IX-XII of the Counterclaims are hereby **DISMISSED WITH PREJUDICE**.
4. Count III of the Counterclaims is **DISMISSED ONLY IN PART WITH PREJUDICE** consistent with the record of the Court's April 6, 2022 oral ruling on the Motion as it pertains to certain allegations of breach of Teucrium Trading, LLC's organizational document, the Amended and Restated Limited Liability Company Agreement of Teucrium Trading, LLC.
5. Plaintiffs/Counterclaim Defendants have voluntarily withdrawn Counts II and IV of the Amended Verified Complaint filed on February 18, 2021.

The Honorable Lori W. Will

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This document constitutes a ruling of the court and should be treated as such.

Court: DE Court of Chancery Civil Action

Judge: Lori W. Will

File & Serve

Transaction ID: 67476700

Current Date: Apr 18, 2022

Case Number: 2020-1018-LWW

Case Name: CONF ORD - COORDINATED WITH 2021-0561-LWW- Sal Gilbertie, et al. v. Dale Riker, et al.

Court Authorizer: Lori W. Will

Court Authorizer

Comments:

See transcript.

/s/ Judge Lori W. Will