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December 15, 2010

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**VIA E-FILING AND HAND DELIVERY**

The Honorable J. Travis Laster  
New Castle County Courthouse  
500 North King Street  
Wilmington, DE 19801

**Re: *Scully v. NightHawk*, C.A. No. 5890-VCL**

Dear Vice Chancellor Laster:

My firm is Delaware counsel for Faruqi & Faruqi, LLP on behalf of Mr. Michael Scully, Plaintiff in the above captioned action (the "Action"). We write pursuant to Your Honor's December 13, 2010 Order requesting that we provide a detailed report outlining this Action's litigation and settlement activities. Below is a chronological table listing and describing the relevant events in this Action and the parallel, related Arizona State Actions (defined below):

Sept. 27, 2010	Juan E. Monteverde from Faruqi & Faruqi, LLP ("JEM") confers with NightHawk shareholders concerned about the potential sale of Nighthawk. Mr. Michael Scully retains JEM to represent his interests as a NightHawk shareholder.
Oct. 7, 2010	JEM and other attorneys at Faruqi & Faruqi, LLP ("F&F"), including Shane Rowley ("SR"), review Securities & Exchange Commission filings, including preliminary proxy statement Form 14A, and drafts Complaint. JEM discusses new case against NightHawk with Blake A. Bennett at Cooch & Taylor, P.A. ("BB"). JEM and BB discuss strategy and filing.
Oct. 8, 2010	BB and others at Cooch & Taylor, P.A. file Complaint.

Oct. 8, 2010	JEM and BB prepare and issue Request for Production of Documents to Defendants.
Oct. 8, 2010	JEM reaches out to potential Defendants' counsel regarding service of Complaint.
Oct. 8, 2010	JEM, SR, and other F&F counsel prepare draft Motion to Expedite Discovery and Proceedings ("Expedited Motion").
Oct. 8, 2010	JEM communicates with David Berger at Wilson Sonsini, <i>et al.</i> ("Berger") regarding case and service.
Oct. 10, 2010	JEM, SR, and other F&F counsel revise Expedited Motion.
Oct. 11, 2010	JEM and SR discuss "go shop" period and approach to Expedited Motion.
Oct. 12, 2010	Further discussion of Expedited Motion and "go shop" between JEM, SR, and BB. BB files Expedited Motion.
Oct. 15, 2010	JEM reaches out to all Defendants' counsel and offers to meet and confer regarding resolution of Expedited Motion.
Oct. 20, 2010	Defendants file opposition papers to Expedited Motion. JEM, SR, and other F&F counsel review opposition papers.
Oct. 20, 2010	JEM exchanges emails and calls with Berger regarding discovery and potential coordination with parallel litigation in Arizona State Court Actions ("Arizona Actions"), if necessary to obtain discovery. Berger informs JEM that Arizona Actions have hearing on a motion to expedite discovery on or about Nov. 4, 2010.
Oct. 20, 2010	SR prepares for Expedited Motion hearing with other F&F counsel.
Oct. 21, 2010	Expedited Motion is denied after hearing.
Oct. 22 - 28 2010	SR, JEM, and other F&F counsel prepare Amended Complaint adding process claims. SR confers with BB regarding strategy and Amended Complaint.
Oct. 27, 2010	JEM exchanges emails and calls with Berger regarding discovery concerning process issues. Berger stresses that the weight of the Actions is in Arizona and conditions any discovery production on coordination with the Arizona Actions to avoid parallel litigation. JEM prepares a letter memorializing this agreement to be submitted to the Court and discusses status of case with BB and SR.
Oct. 28, 2010	BB files Amended Complaint.
Oct. 29, 2010	JEM exchanges emails with Berger regarding status of discovery production and letter to the Court advising of agreement.
Oct. 29, 2010	JEM receives call from Stephen Oddo at Robbins Umeda, LLP ("Oddo"), counsel for plaintiffs in Arizona Actions, requesting that this Action defer to Arizona litigation to avoid duplicative proceedings.
Oct. 30, 2010	JEM sends email to Berger with Amended Complaint and demands receipt of the document production made in the Arizona Actions regardless of whether parties can reach coordination agreement and avoid parallel litigation.
Oct. 31, 2010	Berger informs JEM via email that documents are being produced in Arizona Actions and this Action can obtain them only if agreement is reached regarding coordination with the Arizona Actions where the weight of the Actions lies and that the litigation should proceed in Arizona.
Nov. 2, 2010	JEM and BB receive protective order from Berger and his colleague, Luke Liss

	("Liss"), working on the case.
Nov. 3, 2010	JEM consults with BB regarding protective order, revises protective order to comport to Delaware models, and circulates to group.
Nov. 3, 2010	JEM and SR meet telephonically with Berger to discuss document production regarding process.
Nov. 5, 2010	JEM, SR, and BB follow up with Berger regarding protective order and documents.
Nov. 5, 2010	Liss produces documents as attorney's eyes only and for settlement discussions only (presumably because Arizona Actions are in settlement discussions). JEM refuses documents as settlement only and demands that documents be for litigation purposes and to avoid further motion practice to which defendants' counsel acquiesce.
Nov. 5 – 9, 2010	JEM, SR, and other F&F counsel review document production and discuss need for additional documents (at least earlier board minutes).
Nov. 9, 2010	SR requests Berger to produce additional documents.
Nov. 12, 2010	JEM and SR confer with Berger regarding additional document production.
Nov. 15, 2010	Liss produces additional discovery.
Nov. 16, 2010	SR prepares demand letter related to process disclosure violations and sends to Defendants.
Nov. 17, 2010	JEM confers with Oddo who insists that this Action support the disclosure settlement proceeding in the Arizona Actions or be left out of the process and possibly stayed or dismissed in Delaware.
Nov. 17, 2010	JEM and SR discuss pros and cons regarding agreeing to a disclosure settlement that will allow this Action to participate in confirmatory discovery vs. not participating in settlement and confirmatory discovery with the likelihood that the Action will be then stayed/dismissed, thus leaving us unable to protect Plaintiff and Class through confirmatory discovery and verification that the disclosure settlement is sufficient, fair, adequate, and reasonable.
Nov. 17, 2010	Berger contacts JEM and informs him that a disclosure settlement is going to be reached in the Arizona Actions with or without this Action but refuses to share disclosures unless Oddo agrees to share them.
Nov. 17, 2010	JEM contacts Oddo and agrees to coordinate efforts with the Arizona Actions if settlement is fair. Oddo provides disclosures to JEM that would form basis of settlement.
Nov. 18, 2010	SR and JEM confer with Oddo and request that additional disclosures already requested of Berger in the demand letter on Nov. 16, 2010 be made.
Nov. 23, 2010	Oddo informs JEM that no more disclosure language is possible and Memorandum of Understanding ("MOU") will be negotiated similar to others. Oddo provides final disclosure language to be included in Definitive Proxy. JEM and SR determine that additional language in Definitive Proxy is valuable to NightHawk shareholders' ability to cast an informed vote and that settlement will permit additional discovery.
Nov. 24, 2010	Liss circulates proposed MOU in the morning including Oddo's comments, which are appropriate and adequate.

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Nov. 24, 2010	MOU is circulated in the afternoon for execution and is signed by all parties.
Nov. 30, 2010	JEM and SR receive fully executed MOU and discuss the need for doing an update letter to the Court.
Dec. 7, 2010	JEM follows up with SR regarding MOU letter and due to internal miscommunication is not done yet.
Dec. 8, 2010	JEM and BB prepare draft MOU letter and circulates to Defendants.
Dec. 9, 2010	Numerous emails to/from BB and Defendants regarding MOU letter and edits thereto.
Dec. 10, 2010	All edits are incorporated to MOU letter by JEM and it is revised by SR prior to filing. SR coordinates with BB who files MOU letter.

In addition, we are attaching a copy of the MOU and disclosures that form the basis of the settlement hereto. Further, the judiciary contact information for the Arizona Actions is as follows:

Judge George H. Foster  
Maricopa County Superior Court  
Central Court Building  
201 W. Jefferson  
Phoenix, Arizona 85003-2243

Chambers Phone No.: (602) 506-3892  
Courtroom 811

If the Court has any questions, we are happy to address them before Your Honor at the upcoming conference on Friday, December 17, 2010.

Respectfully submitted,  
*/s/ Blake A. Bennett*  
Blake A. Bennett (DE Bar # 5133)

cc: Kenneth J. Nachbar, Esquire (via LexisNexis);  
Susan Wood Waesco, Esquire (via LexisNexis);  
Collins J. Seitz, Esquire (via LexisNexis); &  
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