

IN THE SUPREME COURT OF THE STATE OF DELAWARE

In re:)
)
DESIGNATION OF ACTIONS FILED)
PURSUANT TO 8 *Del. C.* § 111)

CROSS-DESIGNATION ORDER

WHEREAS, the Delaware Court of Chancery is the preeminent business court in the United States whose highly skilled Chancellors and Vice Chancellors resolve business disputes – large and small – in a timely and careful manner;

WHEREAS, the Court of Chancery has a hard-earned reputation for rendering fast but fair decisions, which has contributed to businesses in the United States and throughout the world choosing Delaware and the Court as the place to resolve their business disputes;

WHEREAS, the business cases filed in the Court of Chancery are complex, require intense judicial supervision before trial, and often multi-day trials followed by lengthy written opinions;

WHEREAS, over thirty percent of the business cases filed in the Court of Chancery involve requests for expedited relief,

WHEREAS, a request for expedited relief requires that a judicial officer put aside other matters on the officer’s busy dockets to assess the requests for expedition and, when appropriate, resolve the case expeditiously;

WHEREAS, the General Assembly expanded the Court of Chancery’s jurisdiction over business disputes through amendments to Section 111 of the Delaware General Corporation Law (“Section 111”);

WHEREAS, with the expansion of the Court of Chancery's jurisdiction under Section 111, the number of cases filed in the Court seeking damages for breach of contract as opposed to equitable relief has grown significantly, contributing to an unsustainable volume of work when added to actions involving the Court's core equitable and statutory jurisdiction;

WHEREAS, in addition to business cases, the Court of Chancery has jurisdiction over other matters important to the citizens of this State, including adult guardianships;

WHEREAS, the General Assembly has responded to the Court of Chancery's needs by authorizing two additional Vice Chancellors in 2018 and an additional Master in Chancery in 2022, but even with these additional resources, the Court's ever-increasing caseload poses continued challenges;

WHEREAS, in 2010, the Delaware Superior Court founded the Complex Commercial Litigation Division (the "CCLD"), which has developed a reputation for resolving complex breach of contract actions seeking damages in a timely and skillful manner, such that the Chief Justice has often designated CCLD judges to preside over cases filed in the Court of Chancery; and

WHEREAS, on a trial basis, the Chancellor and the President Judge of the Superior Court have requested that the Chief Justice enter a Cross-Designation Order, allowing those presiding judges to confer and assign breach of contract cases filed in the Court of Chancery under Section 111 to be assigned to CCLD judges to help alleviate the workload of the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Under Del. Const. art. IV, § 13(2), the Honorable Eric M. Davis, Paul R. Wallace, Abigail M. LeGrow, Sheldon K. Rennie, and Meghan A. Adams are designated with the consent of the Chancellor to sit as a Vice Chancellor on the Court of Chancery for the purpose of hearing and deciding cases filed under Section 111 as selected by the Chancellor and the President Judge.

2. This Order shall be in effect for a trial period of one year, at which time the Chief Justice, the Chancellor, and the President Judge shall review the Order and decide whether it should be extended.

Dated: February 23, 2023

/s/ Collins J. Seitz, Jr.
Chief Justice