**The Delaware Seminar Series**



# Wednesday, October 18, 2023 Hosted by the State of Delaware and CSC

Featuring the Honorable Paul A. Fioravanti, Jr.

Vice Chancellor of the Court of Chancery of the State of Delaware

And the Honorable Selena E. Molina

Magistrate in Chancery for the Court of Chancery of the State of Delaware

Moderated by:

Lilianna Anh P. Townsend, *Potter Anderson & Corroon LLP*

**Agenda and relevant cases**

## The State of the Court of Chancery

* 1. Current v. historic caseload per judge
  2. Case type percentages
  3. Yearend projections

## Recent Initiatives

## Additional Magistrate in Chancery

## Expanded Role of Magistrates in Chancery

* + 1. Books and Records & Other Corporate Actions
    2. Stipulations to a Final Decision
    3. Statistics and Takeaways
  1. Section 111 Cross-Designation Procedure

## Case Law Developments

* 1. *Caremark*
     1. *Ontario Provincial Council of Carpenters' Pension Tr. Fund v. Walton*, 2023 WL 3093500 (Del. Ch. Apr. 26, 2023)
     2. *In re McDonald’s Corp. Stockholder Derivative Litig.*, 289 A.3d 343 (Del. Ch. 2023)
     3. *In re McDonald’s Corp. Stockholder Derivative Litig.*, 291 A.3d 652 (Del. Ch. 2023)
  2. *MFW* 
     1. *In re Tesla Motors, Inc. Stockholder Litig.*, 2023 WL 3854008 (Del. June 6, 2023)
     2. *Smart Local Unions & Councils Pension Fund v. BridgeBio Pharma, Inc.*, 2022 WL 17986515 (Del. Ch. Dec. 29, 2022)
  3. Waiver/Exculpation Re: Statutory Rights and Fiduciary Duties
     1. *Manti Hldgs., LLC v. Authentix Acq. Co., Inc.*, 261 A.3d 1199 (Del. 2021)
     2. *CCSB Fin. Corp. v. Totta*, 2023 WL 4628822 (Del. July 19, 2023)
     3. *New Enter. Associates 14, L.P. v. Rich*, 295 A.3d 520 (Del. Ch. 2023)
  4. *Earn-outs/True-up Mechanism*
     1. *Archkey Intermediate Hldgs. Inc. v. Mona*, 2023 WL 6442815 (Del. Ch. Oct. 3, 2023)
     2. *AECOM v. SCCI Nat’l Hldgs., Inc.*, 2023 WL 6294985 (Del. Ch. Sep. 27, 2023)
     3. *Shareholder Representative Servs. LLC v. HPI Holdings, LLC*, 2023 WL 3092895 (Del. Ch. Apr. 26, 2023)

1. **Litigating in the Court of Chancery** 
   1. Civility v. Bad Faith Litigation
      1. *Myers v. Acad. Secs., Inc.*, 2023 WL 6380449 (Del. Ch. Oct. 2, 2023)
      2. *Bruckel v. TAUC Holdings, LLC*, 2023 WL 4583575 (Del. Ch. July 17, 2023)
      3. *Seidman v. Blue Foundry Bancorp*, 2023 WL 4503948 (Del. Ch. July 7, 2023)
   2. Expectations of Counsel Admitted Pro Hac Vice
2. **Q&A**