

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO COURT OF CHANCERY RULES SECTION XI,  
RULE 90

This 15<sup>th</sup> day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section XI, Rule 90 shall be amended effective January 1<sup>st</sup>, 2015.

**Rule 90 shall be amended as follows:**

**Rule 90. Examination of Court records**Access to documents filed with the Court in civil miscellaneous actions.

~~(a) Without the permission of the Court, no complaint or other paper instituting an action and no paper ordered to be served shall be released for examination or publication by the Register in Chancery or by the sheriff until a return showing service on all designated parties is made to the Register in Chancery.~~

~~(b) If service is to be made on a nonresident, the material shall not be released, without the permission of the Court, until at least 10 days after any required mailing or after a notice of sequestration has been served and a certificate of such service has been filed with the Register in Chancery, whichever is sooner.~~

~~(c) Without the permission of the Court, information as to any person entitled to receive money on deposit with the Court shall not be given to any person other than counsel of record in the case and the person entitled to receive such money or someone acting for such person.~~

~~(d) Examination of court records is also governed by instructions to the Register in Chancery from the Court from time to time.~~

(a) Matters docketed as Civil Miscellaneous (C.M.) actions including, but not limited to, guardianships, and associated miscellaneous petitions are confidential and not subject to public disclosure or access by the general public.

(1) The confidential treatment of Civil Miscellaneous (C.M.) actions is not subject to the provisions of Rule 5.1 governing public access to documents filed with the Court in Civil Actions.

(2) Any person or entity aggrieved by the confidential treatment provisions of this Rule may file a motion with the Court requesting public access to the matter. A copy of such motion shall be served upon any known party to the action. Any party to the action who believes that continued confidential treatment is required shall file a response to the motion within eleven days. After considering the motion and any response thereto, the Court shall determine whether good cause exists to allow public access to all or any

portion of the record or the proceedings, notwithstanding the privacy concerns inherent in these fiduciary matters.

(b) If the Court issues in a Civil Miscellaneous (C.M.) action an opinion the Court believes may have importance or precedential value to the Bar or the general public, the Court may, to the extent warranted, publish the opinion utilizing pseudonyms or other devices that will remove any indicia of personal identification of the parties or persons involved in the action.