

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

STEPHEN P. LAMB
VICE CHANCELLOR

New Castle County Court House
500 N. King Street, Suite 11400
Wilmington, Delaware 19801

Submitted: February 8, 2006
Decided: February 17, 2006

David Chrin
P.O. Box 637
Kingston, NJ 08528

Linda E. Beebe, Esquire
The Bayard Firm
P.O. Box 25130
Wilmington, DE 19899

***RE: David Chrin v. Ibrix, Inc. and Steven Orszag
C.A. No. 20587***

Dear Mr. Chrin and Mr. Ladig:

This is the court's letter opinion and order in connection with the plaintiff's recent motion to strike the defendants' answer and for entry of default judgment, based on a claim that the defendants' answer was untimely served.

The court granted in part and denied in part the defendants' motion to dismiss by opinion issued on October 19, 2005. The plaintiff filed a motion for clarification and reargument of that opinion on November 1, 2005. The court ruled on the plaintiff's motion on November 30, 2005. The defendants then had ten days from November 30, 2005 to serve an answer. These ten days are counted pursuant to Court of Chancery Rule 6(a), which states "when the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays and other legal holidays shall be excluded in the computation." Accordingly, the defendants had until December 14, 2005 to serve their answer. The answer was, in fact, served on December 12, 2005.

For the foregoing reasons, the court finds that the defendants timely served their answer. Thus, the plaintiff's motion to strike the defendants' answer and affirmative defenses and related motion to enter a default judgment are DENIED. IT IS SO ORDERED.

/s/ Stephen P. Lamb
Vice Chancellor