

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

RITCHIE MULTI-STRATEGY)
GLOBAL, LLC, f/k/a/ CAPITAL, LLC,)
)
Plaintiff,)
)
v.)
)
HUIZENGA MANAGERS FUND, LLC,)
)
Defendant.)

C.A. No. N18C-08-246 MMJ CCLD

Submitted: March 4, 2019
Decided: March 6, 2019

On Defendant's Motion to Dismiss or Stay
GRANTED IN PART, DENIED IN PART

ORDER

John A. Sensing, Esq. (Argued), Ryan C. Cicoski, Esq., Potter Anderson & Coroon, LLP, Attorneys for Plaintiff

Steven L. Caponi, Esq., Matthew B. Goeller, Esq., K&L Gates, LLP, Christopher J. Barber, Esq. (Argued), Williams Montgomery & John Ltd., Attorneys for Defendant

JOHNSTON, J.

This is the third case brought in this Court involving the same or closely-related parties. This is the third motion to dismiss or stay on the basis of improper venue.

The same analysis applies in this case as in this Court's two prior decisions - *Ritchie v. Huizenga Managers Fund, LLC*, 2017 WL 7803924 (Del. Super.) and *Ritchie Multi-Strategy Global, LLC v. Huizenga Managers Fund, LLC*, Del. Super., C.A. No. N18C-05-050 MMJ CCLD (Jan. 15, 2019) (Mem. Op.). For the reasons set forth in those opinions, the Court finds that the *McWane*¹ factors weigh in favor of staying this case.

The Court finds that both parties have fee requests pending in the Circuit Court of Cook County, Illinois, in Case No. 07 CH 9626 before the Honorable Peter Flynn. That court retained jurisdiction to hear all fee claims. The issues are in the briefing stage in Illinois. Resolution by Judge Flynn may bear directly on this Delaware case.

THEREFORE, Defendant's Motion to Dismiss or Stay is hereby **GRANTED IN PART**. The Motion to Dismiss is here by **DENIED**, and the Motion to Stay is hereby **GRANTED**. The Court finds that there is a prior action

¹*McWane Cast Iron Pipe Corp. v. McDowell-Wellman Engineering Co.*, 236 A.2d 281, 283 (Del. 1970).

pending in Illinois, in a court capable of doing prompt and complete justice,
involving substantially the same parties and substantially the same issues.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Mary M. Johnston", written over a horizontal line.

The Honorable Mary M. Johnston