



IN THE SUPREME COURT OF THE STATE OF DELAWARE

GWG DLP MASTER TRUST	§
DATED 03/01/06,	§ No. 110, 2025
	§
Defendant Below,	§ Certification of Question of Law
Appellant,	§ from the United States District
	§ Court for the District of Delaware
v.	§
	§ C.A. No. 23-584
ESTATE OF NORMAN FRANK, by	§
its Executor, Harley Frank,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: September 4, 2025
Decided: September 17, 2025

Before **TRAYNOR, LEGROW**, and **GRIFFITHS**, Justices.

ORDER

After consideration of the motion for leave to file a brief as *amici curiae*, the opposition, and the reply, it appears to the Court that:

(1) The Estate of Norman Frank (the “Frank Estate”) filed a complaint in the Superior Court seeking to recover under 18 *Del. C.* § 2704(b) the proceeds of a life insurance policy that it alleges was obtained in violation of 18 *Del. C.* § 2704(a). The case was removed to the United States District Court for the District of Delaware (“District Court”). GWG DLP Master Trust Dated 03/01/06 (the “GWG Trust”) moved to dismiss, arguing that the Frank Estate’s claim was time-barred because either the three-year statute of limitations under 10 *Del. C.* § 8106(a) or the one-year

statute of limitations under 10 *Del. C.* § 8115 applied. The Frank Estate argued that Section 2704(b) claims are not subject to any statute of limitations.

(2) The District Court certified the following question of law to this Court for disposition in accordance with Rule 41:

What is the statute of limitations, if any, applicable to a claim under 18 *Del. C.* § 2704(b)?

The Court accepted the certified question.

(3) The Estates of Martha Barotz, Joseph H. Daher, Jerry Garrett, Jr., Jane Oristano, and Naomi Pressma (the “Estates”) have filed a motion for leave to file a brief as *amici curiae* in support of the Frank Estate’s position. The Estates are plaintiffs in Section 2704(b) actions where defendants have asserted statute-of-limitation defenses. In their proposed brief, the Estates argue that defendants in Section 2704(b) actions engage in deceptive practices—as illustrated in this case and by their own experiences—to delay discovery of their activities and to thwart the efforts of insureds’ families to recover under Section 2704(b). The Estates contend that these deceptive practices are made possible by the unique nature of the stranger-originated life insurance (“STOLI”) industry. If Section 2704(b) claims are subject to statutes of limitation, the Estates argue that the limitations period should only apply if the person or entity claiming the death benefits under a STOLI policy makes certain disclosures to the insured’s family.

(4) The Frank Estate consents to the motion. GWG Trust opposes the motion, arguing that the Estates, which are represented by the Frank Estate’s former law firm, are not experts in the field and do not possess a perspective that is unique or different from that of the Frank Estate. GWG Trust contends that the proposed *amici curiae* brief duplicates the same policy and industry-practice arguments advanced by the Frank Estate. GWG Trust also emphasizes that the Estates make an argument—that application of any statute of limitations should be conditioned on certain disclosures—the Frank Estate did not make in its answering brief.

(5) In reply, the Estates contend that whether a statute of limitations should apply to Section 2704(b) claims is a matter of public interest. The Estates also argue that the proposed *amici curiae* brief will help the Court understand that imposing a statute of limitations would have significant implications beyond this case.

(6) The privilege to be heard as *amicus curiae*, as well as the manner and extent of participation, rests within the sound discretion of the Court.¹ An amicus brief should bring to the Court’s attention “relevant matters not already brought to its attention by the parties” and “should avoid the repetition of facts or legal arguments contained in the principal brief.”² Permission to be heard *amicus curiae* is granted when the movant possesses “a unique perspective or expertise” in a case

¹ *Giammalvo v. Sunshine Mining Co.*, 644 A.2d 407, 408 (Del. 1994).

² Supr. Ct. R. 28(a)(2).

involving a question of “general public importance” and the Court finds that it would benefit from the movant’s “unique supplemental assistance.”³ Unless the movant’s ability to provide such assistance is readily apparent, the Court is reluctant to accept an *amicus curiae* brief where, as here, the parties are well-represented and they have not jointly consented to the motion.⁴

(7) Like the Frank Estate, the Estates are plaintiffs in Section 2704(b) actions. The Frank Estate and the Estates share similar perspectives, with the Estates duplicating the Frank Estate’s policy and industry practice arguments in their proposed *amici curiae* brief. For these reasons, the Court concludes that the proposed *amici curiae* brief does not offer the Court unique supplemental assistance and the Estates’ motion should be denied.

NOW, THEREFORE, IT IS ORDERED that the Estates’ motion for leave to file a brief as *amici curiae* is DENIED.

BY THE COURT:

/s/ Abigail M. LeGrow
Justice

³ *Giammalvo*, 644 A.2d at 410.

⁴ *Id.*