

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                            |   |                               |
|----------------------------|---|-------------------------------|
| PAUL WITMER,               | § |                               |
|                            | § | No. 381, 2025                 |
| Plaintiff Below,           | § |                               |
| Appellant,                 | § | Court Below—Court of Chancery |
|                            | § | of the State of Delaware      |
| v.                         | § |                               |
|                            | § | C.A. No. 2022-0807            |
| ARMISTICE CAPITAL, LLC and | § |                               |
| ARMISTICE CAPITAL MASTER   | § |                               |
| FUND, LTD.,                | § |                               |
|                            | § |                               |
| Defendants Below,          | § |                               |
| Appellees.                 | § |                               |

Submitted: March 11, 2026

Decided: March 27, 2026

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

**ORDER**

This 27th day of March, 2026, after consideration of the parties' briefs, the argument of counsel, and the record on appeal, it appears to the Court that the judgment of the Court of Chancery should be affirmed on the basis of and for the reasons stated in its August 14, 2025 Memorandum Opinion.<sup>1</sup>

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice

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<sup>1</sup> *Witmer v. Armistice Capital, LLC*, 344 A.3d 632 (Del. Ch. Aug. 14, 2025).