

FOR IMMEDIATE RELEASE
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**Court of Chancery holds special session at
historic New Castle Court House Museum in old New Castle**

*Session helps building maintain its status as one of oldest continuously
operating courthouses in the United States*

Continuing a nearly 300-year tradition, on Sept. 18, 2024 Vice Chancellor Paul A. Fioravanti, Jr. of the Delaware Court of Chancery presided over arguments in two cases at the historic New Castle Court House in old New Castle.

The arguments in *Porco v. Pacific Basin Resource Mgmt., LLC*, (C.A. No. 2023-0310-PAF) involving a motion to compel arbitration, and *McCants et al. v. Strong et al.*, (C.A. No. 2023-0694-PAF), involving a motion to dismiss a case alleging breach of fiduciary duty, lasted just over two and a half hours. The proceedings marked the first time in nearly 50 years that one of the state's oldest courts held proceedings in the state's oldest courthouse. The Delaware Court of Chancery was established in 1792 and the historic New Castle Court House was built in 1732.

For Vice Chancellor Fioravanti, who joined the Court of Chancery in 2020, presiding over a hearing in the historic building was a bit of wish fulfillment for “a New Castle kid” who grew up not far from the building and spent many hours downtown hunting for water ice, buying baseball cards at the five and dime and “wasting far too much time at the Earle Theater.”

The old court house, which was built on the site of a prior court house that dated to the 1680s, served as Delaware's first court house and first state capitol. The state capitol moved to Dover in 1777 and all jurisdictions of Delaware's courts, including the federal courts, continued to meet in the building until 1881 when the state courts moved, along with the county seat, to the city of Wilmington. Since that time, however, the Delaware Courts have occasionally met in the historic building. In most recent memory, former Supreme Court Justice William T. Quillen, held at least one hearing in the historic building during his tenure as Chancellor of the Court of Chancery between 1973 and 1976. Citing that precedent, long-time New Castle resident and Superior Court Judge Richard R. Cooch then held at least four non-jury civil hearings during his time on the bench between 1992 and 2019. Judge Cooch, who attended Thursday's proceedings, noted that his great, great grandfather, attorney George B. Rodney, conducted business in the historic court house in the 1830s and simply walked a block from the family's New Castle home to get there. And on Nov. 8, 2019, Supreme Court Chief Justice Collins J. Seitz, Jr. held his investiture ceremony in the historic court room.

Both Chief Justice Seitz and retired Judge Cooch, along with Chancellor Kathaleen St. J. McCormick, Vice Chancellor J. Travis Laster and Magistrate in Chancery Bonnie W. David attended Thursday's proceedings.

Juliette Wurm, the site supervisor at the state-run New Castle Court Museum, said this week's proceedings allow the facility to maintain its claim as one of the oldest continuously operating court houses in the United States.

"It is amazing to have this place, which is almost 300 years old, still be used for its original purpose," said Wurm. "It also makes clear that this is more than just a museum." Beyond that, Wurm said holding actual court proceedings at the historic building was also meaningful to the citizens of New Castle, who take great pride in their history. "It is important to the town to see that history being embraced and celebrated through events like this," she said.

The historic moment was not lost on the litigants as attorney Jeff Crough, representing one of the defendants in the *McCants* case, began his remarks to Vice Chancellor Fioravanti saying, "Certainly, this is my first argument in a museum."

Attorney Steve Jenkins, representing the plaintiffs, started his remarks by noting, to laughter, "One thing we have learned is these old court houses may have charm, but they don't have the most comfortable seats."

"Maybe the arguments will be much more focused," responded Vice Chancellor Fioravanti, prompting more chuckles.

At the close of the proceedings, the Vice Chancellor thanked the participants and guests. "It really is an honor to have held arguments in Delaware's first court house," he said, adding that it helped fulfill part of the oath all judges in Delaware take, vowing to not only uphold the Delaware and U.S. Constitutions but also to "respect the right of future generations to share the rich historic and natural heritage of Delaware." Citing the work of Justice Quillen and Judge Cooch, Fioravanti said, "it was an honor to continue that tradition" by once again turning the museum back into a working court house. "It has been a good day, and with that we are adjourned."

Following the proceedings, a small reception, hosted by The Historical Society for the Court of Chancery of the State of Delaware, was held across the street at the Mercury Café and Teahouse for all who participated and attended.