

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENTS TO RULES 46, 54–65.1, 67, 69–72, 77–78, 81–83, 85–88, AND 100 OF THE COURT OF CHANCERY RULES, TITLES VI–XII

This 18th day of May 2026, IT IS HEREBY ORDERED that the Court of Chancery Rules, Titles VI–XII, are revised to amend Rules 46, 54–65.1, 67, 69–72, 77–78, 81–83, 85–88, and 100, as follows, effective June 1, 2026.

Rule 46 is amended as follows:

TITLE VI. TRIALS

Rule 46. Objecting to a Ruling or Order

Except when a statute or rule otherwise requires, a formal objection to a ruling or order is unnecessary. When the ruling or order is requested or made, a party need only state the action that it wants the Court to take or objects to, along with the grounds for the request or objection. Failing to object does not prejudice a party who had no opportunity to do so when the ruling or order was made.

Comment

In 2026, Rule 46 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 46 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 46.

Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Revised Rule 46 generally abolishes the need to object to a court ruling to preserve a point for appeal.

The reference to “[e]xcept when a statute or rule otherwise requires” replaces the language in the prior rule preserving the need to object “for all purposes for which an exception has heretofore been necessary.” Most notably, it preserves

the obligation to take exceptions to a magistrate judge's rulings to the extent required by Rule 144.

Rule 54 is amended as follows:

TITLE VII. JUDGMENT

Rule 54. Judgment; Costs

(a) Definition. “Judgment” as used in these Rules includes any order from which an appeal lies.

(b) Partial Judgment upon Multiple Claims or Involving Multiple Parties. When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the Court may direct entry of judgment as to one or more, but fewer than all, claims or parties only if the Court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

(c) Relief To Be Granted. A judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleading. But a judgment by default must not grant relief different in kind from or greater in amount than the relief sought in the pleading.

(d) Costs. Unless a statute, these Rules, or a court order provides otherwise, costs should be allowed to the prevailing party. The costs in any action shall not include any charge for the Court's copy of the transcript of the testimony or any depositions. But if the Court determines that a party has caused the incurrence of unnecessary expense, the Court may tax that party with the unnecessary expense at any time during the action and without regard to the outcome.

Comment

In 2026, Rule 54 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 54 so

that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 54.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Former Rule 54(e) was deleted, and language from that rule was moved to Rule 54(d). No substantive change was intended.

Former Rule 54(f) was deleted given that appearance fees have been abolished. No substantive change was intended.

Rule 55 is amended as follows:

Rule 55. Default; Default Judgment

(a) Default.

(1) *In General.* When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend, and that failure is shown by affidavit or otherwise, the Court may hold the party in default.

(2) *Consequences.* In addition to other consequences by law and under Rule 5(a)(2), a party in default admits and cannot present evidence to contest the allegations of the complaint. But a party can contest whether the admitted allegations are legally sufficient to support entry of default judgment.

(b) Default Judgment.

(1) *In General.* A party seeking a default judgment must apply to the Court. The relief sought in a default judgment may not differ in kind from, or exceed in amount, what is demanded in the pleadings.

(2) *Timing; Notice.* If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 10 days before the hearing. If the party has not appeared, written notice must be served if the Court directs.

(3) *Persons Without Capacity.* A default judgment may be entered against a person without capacity only if a representative for the person has appeared.

(4) *Hearings; Evidence.* The Court may conduct hearings, receive evidence, or make referrals when, to enter or effectuate default judgment, it needs to:

(A) conduct an accounting;

(B) determine the amount of damages;

(C) establish the truth of any allegation by evidence; or

(D) investigate any other matter.

(c) Setting Aside a Default or a Default Judgment.

The Court may set aside a default for good cause, and it may set aside a final default judgment in accordance with Rule 60(b).

Comment

In 2026, Rule 55 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 55 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 55.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Revised Rule 55 follows the federal rule in making explicit the distinction between “default” and “default judgment.” A court can find that a party is in default when the party has failed to appear, plead, or otherwise defend. A court can enter default judgment at the same time it holds a party in default, but the two events are not synonymous. A party in default suffers the consequences associated with being in default, including deeming admitted all of the well-pleaded facts in the complaint. But a plaintiff is only entitled to a default judgment if those facts, taken together, state a claim upon which relief can be granted. *See Hauspie v. Stonington Partners, Inc.*, 945 A.2d 584, 586 (Del. 2008). In addition, under revised Rule 55(b)(4), if a party seeks particular types of relief as part of a default judgment, the court may hold a hearing on the relief before entering a default judgment.

Revised Rule 55 identifies the implications of being held in default to give clearer notice about those consequences. The consequence of not requiring further notice to a party that has not appeared in the action is drawn from *Hauspie*.

Revised Rule 55 follows the federal rule in referring to grounds for default being established “by affidavit or otherwise.” Former Rule 55(b) referred to the default being “made to appear.” Parties seeking to establish default should proceed by motion. If establishing the default requires showing facts not apparent from the docket, then the party should support the motion with an affidavit. The “or otherwise” recognizes that a party motion is not required in all circumstances, such as if the court issues an order to show cause and a party does not respond.

The limitation on the type of relief that a default judgment may provide was moved from Rule 54 to Rule 55(b).

Former Rule 55(d) was deleted given that it was clarifying in nature. No substantive change was intended.

Rule 56 is amended as follows:

Rule 56. Summary Judgment

(a) Motion For Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The Court must grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

(b) Time to File a Motion.

(1) *For Claimant.* A party seeking to recover upon a claim may move for summary judgment at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party.

(2) *For Defending Party.* A party against whom a claim is asserted may move for a summary judgment at any time.

(3) *By Leave of Court.* The Court may require that any party wishing to move for summary judgment show good cause for doing so.

(c) Procedures.

(1) *Supporting Factual Positions.* A party asserting that a fact cannot be or is genuinely disputed may not rest upon unverified allegations or denials in its pleadings. The party must support the assertion by:

(A) citing to matters suitable for judicial notice or to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits, stipulations (including stipulations made for purposes of the motion only), admissions, interrogatory answers, verified pleadings, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) *Objection That a Fact is Not Supported by Admissible Evidence.* A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) *Materials Not Cited.* The Court need consider only the cited materials, but it may consider other materials in the record or suitable for judicial notice.

(4) *Affidavits.* An affidavit used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant is competent to testify on the matters stated. An affidavit may attach documents as exhibits that the affiant certifies as originals or true and correct copies.

(d) When Facts Are Unavailable to The Nonmovant. If a nonmovant shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition, the Court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or to take discovery;
or

(3) issue any other appropriate order.

(e) Failing To Properly Support or Address a Fact.

If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact, each as required by Rule 56(c), the Court may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or

(4) issue any other appropriate order.

(f) Judgment Independent of the Motion. When presented with a motion for summary judgment, the Court may grant summary judgment for a nonmovant or grant summary judgment on grounds not raised by a party. The Court may, after giving notice and a reasonable time to respond, consider summary judgment on its own after identifying material facts that are not genuinely in dispute.

(g) Failing to Grant All the Requested Relief. If the Court does not grant all the relief requested by the motion, it may enter an order identifying any material fact that is not genuinely in dispute—including liability alone or an item of damages or other relief—and treating the fact as established in the case.

(h) Affidavit Submitted in Bad Faith. If satisfied that an affidavit under this rule is submitted in bad faith or solely for delay, the Court—after notice and a reasonable time to respond—may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.

(i) Cross Motions. When the parties have filed cross motions for summary judgment and have not identified a disputed issue of fact material to the disposition of either motion, then the Court may deem the motions to be a

stipulation for decision on the merits based on the record submitted with the motions.

Comment

In 2026, Rule 56 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 56 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 56.

Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Revised Rule 56(c)(1)(A) follows the federal rule in requiring that a party moving for summary judgment rely on materials “in the record.” Consistent with existing practice, a party may introduce material into the record, typically by affidavit, to support a summary judgment motion.

Revised Rule 56(f) reflects the Court of Chancery’s inherent authority under existing law to grant summary judgment sua sponte in favor of the nonmoving party or on grounds other than those presented, thereby ensuring that parties are aware of this possibility. *See Comet Sys., Inc. S’holders’ Agent v. MIVA, Inc.*, 980 A.2d 1024, 1034 (Del. Ch. 2008) (“The court has inherent authority to grant summary judgment sua sponte against the moving party, but should only do so when the state of the record is such that the non-moving party is clearly entitled to such relief.”); *Stroud v. Grace*, 606 A.2d 75, 81 (Del. 1992)); *Cont’l Ins. Co. v. Rutledge & Co.*, 2000 WL 268297, at *1 (Del. Ch. Feb. 15, 2000) (“Delaware law clearly entitles this Court to grant summary judgment upon suggestion of the non-moving party or sua sponte against a party seeking summary judgment.”).

Revised Rule 56 removes the requirement that a motion for summary judgment “shall be served at least 10 days before the time fixed for the hearing” and language providing that an “adverse party prior to the day of hearing may serve opposing affidavits,” to conform with the current practice of entering into stipulations governing the timing of motions for summary judgment and the briefing schedule.

Revised Rule 56 does not change the ability of a court to decline to entertain summary judgment or to defer decision until after trial.

Rule 57 is amended as follows:

Rule 57. Declaratory Judgment

These rules govern the procedure for obtaining a declaratory judgment under 10 *Del. C.* § 6501 or any similar statute. The existence of another adequate remedy does not preclude a declaratory judgment that is otherwise appropriate. The Court may order a speedy hearing of a declaratory judgment action.

Comment

In 2026, Rule 57 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 57 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 57.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Revised Rule 57 specifies 10 *Del. C.* § 6501 as the statute pursuant to which declaratory judgments may be obtained.

Rule 58 is amended as follows:

Rule 58. Form of Judgment

Except as authorized by Rule 54(b), a final order constitutes the judgment of the Court. A judgment may be filed as a separate document.

Comment

In 2026, the Rules Committee considered revising Rule 58 to align its language with Federal Rule of Civil Procedure 58.

Federal Rule of Civil Procedure 58(a) contemplates a separate order doctrine that the Rules Committee viewed as cumbersome. Federal Rule of Civil Procedure 58(b) contemplates procedures for entry of judgment by the

Clerk of Court that are inconsistent with Court of Chancery practice.

The Rules Committee opted to retain a more abbreviated rule modeled on the former Rule 58.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 59 is amended as follows:

**Rule 59. New Trial or Other Action After Trial;
Altering or Amending a Judgment; Reargument;
Clarification**

(a) New Trial or Other Action After Trial.

(1) *Grounds for New Trial.* The Court may, on motion, grant a new trial on all or some of the issues.

(2) *Other Action After Trial.* The Court may, on motion, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

(3) *Time to File Motion.* A motion for a new trial or other action after trial must be filed no later than 10 days after the entry of judgment.

(4) *Time to Serve Affidavits.* Any affidavits in support of a motion for a new trial or other action after trial must be filed with the motion. The opposing party must file any opposing affidavits no later than 10 days after being served. The Court may permit reply affidavits.

(5) *On the Court's Initiative or for Reasons Not in the Motion.* No later than 10 days after the entry of judgment, the Court, on its own, may order a new trial or other action after trial for any reason that would justify granting a motion seeking that relief. If a party has moved for a new trial or other action after trial, then after giving the parties notice and an opportunity to be heard, the Court may grant relief for a reason not stated in the motion.

(b) Alter or Amend Judgment. A party may move to alter or amend judgment not later than 10 days after the

entry of judgment. The motion may rely on any ground identified in Rule 60.

(c) Reargument; Clarification.

(1) *Time.* A party seeking reargument or clarification must move within five days after the ruling. After an oral ruling, any party may move within five days of the ruling for an extension to permit receipt of the transcript; no one may file an opposition or reply without leave of the Court.

(2) *Opposition.* Any party opposing a motion for reargument or clarification must file its opposition within five days after the filing of the motion.

(3) *Reply.* Unless the Court requests, a party may not file a reply in support of a motion for reargument or clarification.

(d) Effect of Motion. The filing of a timely motion under this rule renders a judgment not final until the Court has ruled on the motion.

Comment

In 2026, Rule 59 was revised to align its styling and content with Federal Rule of Civil Procedure 59.

Revised Rule 59(a) collects all of the provisions in former Rule 59 that addressed a motion for new trial. Revised Rule 59(a) also contains procedures for post-trial relief that involve action short of a new trial, such as taking additional evidence. The remainder of revised Rule 59 has been renumbered.

Former Rule 59(e) provided for a motion to alter or amend judgment. Rule 60 addresses similar issues. The difference is that a timely motion under Rule 59 renders a judgment non-final and defers the time for appeal, but a Rule 60 motion does not. Revised Rule 59(b) serves the same purpose as former Rule 59(e). It also now makes explicit that a motion to alter or amend judgment may rely on any basis for altering or amending a judgment identified in Rule 60. Revised Rule 59(b) retains the time periods from former Rule 59(e) rather than adopting the longer federal period.

Revised Rule 59(c) addresses a motion to reargue or clarify a written or oral ruling. Consistent with prior law, the time

for the motion runs from the ruling, including an oral ruling. Revised Rule 59(c) authorizes a prompt motion for extension to allow the party to receive the transcript.

Revised Rule 59(d) makes explicit that any timely filed motion under Rule 59 renders a judgment non-final for purposes of appeal.

Otherwise, no substantive changes were intended, and decisions interpreting former Rule 59 continue to apply to the revised rule.

Rule 60 is amended as follows:

Rule 60. Corrections to Record; Relief from a Judgment

(a) Corrections Based on Clerical Mistakes; Oversights; and Omissions. The Court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The Court may do so on motion or on its own, with or without notice. But after an appeal has been docketed with the Supreme Court and while it is pending, a mistake may be corrected only with the Supreme Court's leave.

(b) Grounds for Relief from a Judgment. On motion and just terms, the Court may relieve a party or its legal representative from a judgment for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(a);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) Timing and Effect of the Motion; Reassignment.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(3) *Reassignment.* If the judicial officer who was assigned to the case is no longer a member of the Court, the movant must submit a letter to the Chancellor identifying the motion and seeking reassignment for the purpose of hearing the motion.

(d) Other Powers to Grant Relief. This rule does not limit the Court's power to:

(1) entertain an independent action to relieve a party from a judgment;

(2) grant any relief provided by statute;

(3) set aside a judgment for fraud on the Court; or

(4) modify any interlocutory order for good cause shown.

Comment

In 2026, Rule 60 was revised to align its language in most respects with Federal Rule of Civil Procedure 60 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 60.

Except as noted, no other substantive changes in the interpretation of the rule were intended.

Like Federal Rule 60(a), revised Rule 60(a) encompasses any mistakes arising from oversight or omission in a judgment, order, or other part of the record, regardless of whether resulting from clerical error or otherwise (such as party error). *See* 11 Charles Alan Wright, Arthur Miller, & Mary Kay Kane, *Federal Practice & Procedure: Civil* §2854 (3d. ed. 2024). Rule 60(a) also includes a new last sentence regarding corrections after an appeal has been docketed.

Revised Rule 60(b) addresses judgments. Consistent with revised Rule 58, revised Rule 60(b) applies to a judgment regardless of whether denominated as a judgment, final order, or otherwise. Like Federal Rule 60(b), revised Rule 60(b) clarifies that newly discovered evidence within the

scope of Rule 60(b)(2) must not have been able to have been discovered with reasonable diligence in the time to move for a new trial under Rule 59(a). Revised Rule 60(b) provides that voidness can support relief from judgment.

Revised Rule 60(d) clarifies that nothing in Rule 60 affects the Court's ability to modify interlocutory orders for good cause shown.

As with the federal revision in 2007, revised Rule 60 eliminates as unnecessary the final sentence of the former rule, which stated that the procedure for obtaining relief was by motion under the rules or by independent action.

The revised rule does not adopt Federal Rule 60(c)(1)'s requirement that motions under Rule 60(b)(1), (2), and (3) be brought no more than a year after the entry of the judgment or order or the date of the proceeding.

The revised rule requires a movant to submit a letter to the Chancellor if the judicial officer assigned to the case has left the Court so that the matter can be reassigned.

Rule 61 is amended as follows:

Rule 61. Harmless Error

Unless justice requires otherwise, no error in admitting or excluding evidence—or any other error by the Court or a party—is ground for granting a new trial or for vacating, dissolving, or modifying a judgment or order. At every stage of the proceeding, the Court must disregard all errors and defects that do not affect any party's substantial rights.

Comment

In 2026, Rule 61 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 61 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 61.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 62 is amended as follows:

Rule 62. Stay of Proceedings Pending Appeal

(a) Automatic Stay. Except as provided in Rules 62(c) and (d) or in an expedited or summary proceeding, execution on a judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the Court orders otherwise.

(b) Stay of Money Judgment by Bond or Other Security. At any time after judgment is entered, execution on a money judgment and proceedings to enforce it are stayed if a party provides a bond or other security. The stay takes effect when the Court approves the bond or other security and remains in effect for the time specified.

(c) Stay of an Order or Judgment Awarding Equitable Relief. An interlocutory order or judgment awarding equitable relief is not automatically stayed under Rule 62(a), but the Court may suspend, modify, restore, or grant an injunction against its enforcement or stay its effect pending appeal on terms, including for bond or other security, that protect the party in whose favor it was entered.

(d) Stay with Multiple Claims or Parties. A judgment entered under Rule 54(b) is not automatically stayed under Rule 62(a), but the Court may stay the enforcement of a judgment entered under Rule 54(b) until it enters a later judgment and may prescribe terms necessary to secure the benefit of the stayed judgment for the party in whose favor it was entered.

(e) Other Applicable Authority. Applications for injunctions or stays pending appeal, and orders granting that relief, must comply with the Rules of the Supreme Court and, in the case of security pending appeal, Article IV, § 24 of the Constitution of the State of Delaware.

Comment

In 2026, Rule 62 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 62 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 62.

Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Revised Rule 62(a) follows Federal Rule 62(a) in providing for an automatic stay in the execution or enforcement of a judgment for 30 days after its entry. The stay allows a party to determine whether to appeal and to obtain security, such as a supersedeas bond, to continue the stay. Revised Rule 62(a) departs from Federal Rule 62(a) by exempting judgments in expedited and summary proceedings. By creating an exception for Rule 62(c), revised Rule 62(a) makes clear that the automatic stay does not apply to awards of equitable relief. By not creating an exception for declaratory judgments, revised Rule 62(a) makes clear that it applies to a declaratory judgment unless the judgment falls into an exception, such as a declaratory judgment in an expedited or summary proceeding or addressing equitable relief.

Revised Rule 62(b) follows Federal Rule 62(b) in providing generally that a party may obtain a stay of a money judgment by providing bond or other security. Amended Rule 62(b) uses language similar to Rule 62(a) to refer to the scope of the stay.

Revised Rule 62(c) follows Federal Rule 62(c) in allowing the Court to grant an injunction or stay pending appeal on terms sufficient to protect the opposing party's rights. Unlike Federal Rule 62(c), revised Rule 62(c) applies to any injunction or other equitable relief. Unlike Federal Rule 62(c), revised Rule 62(c) states explicitly that the automatic stay in Rule 62(a) does not apply to any injunction or other equitable relief.

Revised Rule 62(d) follows Federal Rule 62(d) regarding stays of partial judgments entered under Rule 54(b). Unlike Federal Rule 62(d), revised Rule 62(d) states explicitly that the automatic stay in Rule 62(a) does not apply.

Revised Rule 62(e) makes clear that applications for injunctions or stays pending appeal must comply with the Rules of the Supreme Court of Delaware and, in the case of security, with the Delaware Constitution.

Revised Rule 62 omits sections paralleling Federal Rule 62(d)–(g) as inapplicable to Chancery practice.

Rule 63 is amended as follows:

Rule 63. Judicial Officer’s Inability to Proceed

If the judicial officer conducting a hearing or trial is unable to proceed, any other judicial officer may proceed upon certifying familiarity with the record and determining that the case may be completed without prejudice to the parties. In a hearing or trial, the successor judicial officer must, at a party’s request, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judicial officer may also recall any other witness.

Comment

In 2026, Rule 63 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 63 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 63.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 64 is amended as follows:

**TITLE VIII. PROVISIONAL AND FINAL REMEDIES
AND SPECIAL PROCEEDINGS**

Rule 64. Seizing a Person or Property

At the commencement of and throughout an action, every statutory and equitable remedy is available that provides for seizing a person or property to secure satisfaction of the potential judgment. The possible remedies include the following, regardless of whether a party otherwise could pursue the remedy through a separate action:

- arrest;
- attachment;
- garnishment;

- replevin;
- sequestration; and
- other corresponding or equivalent remedies.

Comment

In 2026, Rule 64 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 64 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 64.

Like the federal rule, revised Rule 64 provides a non-exclusive list of remedies that are potentially available.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 65 is amended as follows:

Rule 65. Injunctions and Restraining Orders

(a) Preliminary Injunction.

(1) *Request.* A party seeking a preliminary injunction must make the request by motion supported by affidavit or verified pleading.

(2) *Notice.* The Court may issue a preliminary injunction only on notice to the adverse party.

(3) *Consolidating the Hearing with the Trial on the Merits.* Before or after beginning the hearing on a motion for a preliminary injunction, the Court may advance the trial on the merits and consolidate it with the hearing. Even when consolidation is not ordered, evidence that is received on the motion and that would be admissible at trial becomes part of the trial record and need not be repeated at trial.

(b) Temporary Restraining Order.

(1) *Issuing Without Notice.* The Court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or verified pleading clearly show that immediate and irreparable injury,

loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant files a certification identifying any efforts made to give notice and the reasons why it should not be required.

(2) *Contents; Expiration.* Every temporary restraining order issued without notice must state the date and hour it was issued; describe the injury and state why it is irreparable; state why the order was issued without notice; and be filed promptly. The order expires at the time after entry—not to exceed 10 days—that the Court sets, unless before that time the Court extends it for cause for up to an additional 30 days or the restrained party consents to a longer extension.

(3) *Expediting the Preliminary Injunction Hearing.* If the restraining order was issued without notice, the motion for a preliminary injunction must be set for hearing at the earliest possible time. At the hearing, the party who obtained the order must proceed with the motion; if the party does not, the Court must dissolve the order.

(4) *Motion to Dissolve.* On two days' notice to the party who obtained the restraining order without notice—or on shorter notice set by the Court—the adverse party may appear and move to dissolve or modify the order. The Court must then hear and decide the motion as promptly as justice requires.

(c) Security. The Court may issue a preliminary injunction or a temporary restraining order only if the movant gives security that the Court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.

(d) Contents and Scope of Every Injunction and Restraining Order.

(1) *Contents.* Every order granting an injunction and every restraining order must:

(A) state the reasons why it issued or reference a ruling providing the reasons;

(B) state its terms specifically; and

(C) describe in reasonable detail—and not by referring to the pleading or other document, unless such document is filed with the injunction or restraining order—the act or acts restrained or required.

(2) *Persons Bound*. The order binds only the following who receive actual notice of it by personal service or otherwise:

(A) the parties;

(B) the parties' officers, agents, servants, employees, and attorneys; and

(C) other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).

Comment

In 2026, Rule 65 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 65 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 65.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 65.1 is amended as follows:

Rule 65.1. Proceedings Against a Security Provider

Whenever these rules require or allow a party to give security, and security is given with one or more security providers, each provider submits to the Court's jurisdiction and irrevocably appoints the Register in Chancery as its agent for receiving service of any papers that affect its liability on the security. The security provider's liability may be enforced on motion without an independent action. The motion and any notice that the Court orders may be served on the Register in Chancery, who must promptly send a copy of each to every security provider whose address is known.

Comment

In 2026, Rule 65.1 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 65.1 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 65.1.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 67 is amended as follows:

Rule 67. Depositing Money or Other Deliverable Thing

If any part of the relief sought is a money judgment or the disposition of a sum of money or some other deliverable thing, then after notice to every other party and with leave of court, a party may deposit all or part of the money or thing with a bank or trust company, whether or not that party claims any of it. The bank or trust company must have a presence in this State and capital and surplus of at least 50 million dollars. Any money must be deposited in an interest-bearing account. The party must file a notice identifying the money or thing and the bank or trust company. The money or thing can only be withdrawn as the Court directs.

Comment

In 2026, Rule 67 was revised to align its language with Federal Rule of Civil Procedure 67 so that authorities interpreting the federal rule could be applied more easily as persuasive authority for the Chancery rule.

Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Consistent with the federal rule, the revised rule requires that a party give notice, obtain leave of court, and deposit any money in an interest-bearing account. The revised rule requires that the deposit or trust company have a presence

in Delaware in addition to the current requirement of capital and surplus of at least 50 million dollars.

Rule 69 is amended as follows:

Rule 69. Execution

(a) Money Judgment; Applicable Procedure. In addition to other methods of enforcement, a judgment providing for a payment of money may direct the issuance of writs of execution substantially in the form and with the same effect as those used in Superior Court. The writs must be directed to and executed by the sheriff in the same manner as those used in Superior Court and returned to the Court of Chancery as directed in the order.

(b) Obtaining Discovery. In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these Rules.

Comment

In 2026, Rule 69 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 69 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 69.

Consistent with Federal Rule of Civil Procedure 69, revised Rule 69 avoids any implication that depositions are the only method of discovery in aid of execution. Otherwise, no substantive change in the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 70 is amended as follows:

Rule 70. Enforcing an Order for a Specific Act

(a) Party's Failure to Act; Ordering Another to Act. If an order requires a party to convey property, to execute or deliver a document, or to perform any other specific act and the party fails to comply within the time specified, the Court may order the act to be done—at a disobedient party's expense—by another person appointed

by the Court. When done, the act has the same effect as if done by the party.

(b) Vesting Title. If the Court has jurisdiction over property, then the Court may enter an order divesting any party's title and vesting it in others. The order has the effect of a legally executed conveyance.

(c) Obtaining a Writ of Attachment or Sequestration. If an order entitles a party to performance of an act, the Court may order the Register to issue a writ of attachment or sequestration against a disobedient party's property to compel obedience.

(d) Obtaining a Writ of Execution or Assistance. If an order entitles a party to possession of property, the Court may order the Register to issue a writ of execution or assistance.

(e) Holding in Contempt. If an order entitles a party to performance of an act or possession of property, the Court may hold a disobedient party in contempt.

(f) Statutory Authority. This rule supplements statutory authority to authorize performance through a substitute, vest title, and issue writs.

Comment

In 2026, Rule 70 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 70 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 70.

Revised Rule 70(a) differs from Federal Rule 70(a) by referring to any "order" rather than any "judgment." This change recognizes that the Court of Chancery may order relief through interlocutory orders before entry of judgment. The reference to "order" includes a judgment, which is the final order the trial judge enters in the case.

Revised subsections (a) and (b) of Rule 70 differ from Federal Rule 70(a) and (b) by omitting explicit references to conveyances of land or execution deeds. Because the general references to "property" and "document" include land and deeds, the specific references were deemed superfluous. The omission does not imply any limitation on the Court's authority.

Revised Rule 70(f) recognizes that the General Assembly has adopted statutes addressing the enforcement of obligations and judgments, including attachment, sequestration, execution, and performance by a substitute. *E.g.*, 6 *Del. C.* § 8-112; 8 *Del. C.* § 324; 10 *Del. C.* §§ 365-67, 370-71, 373; 10 *Del. C.* chs. 31, 35, 49, 51; 25 *Del. C.* §§ 5517, 6103, 6716–17. Rule 70 supplements that authority.

Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 71 is amended as follows:

Rule 71. Enforcing Relief For or Against a Nonparty

When an order grants relief for a nonparty or may be enforced against a nonparty, the procedure for enforcing the order is the same as for a party.

Comment

In 2026, Rule 71 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 71 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 71.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 72 is amended as follows:

TITLE IX. APPEALS

Rule 72. Appeals, Certifications, and Mandates

(a) Appeals to Court of Chancery. Unless otherwise provided by statute, an appeal to the Court of Chancery may be commenced by a complaint or by a notice of appeal.

(b) Certification. A party may move to certify a question of law or an interlocutory appeal to the Supreme Court. The motion must comply with applicable Supreme Court rules and provide a proposed form of order.

(c) Supreme Court Mandate. After receiving a Supreme Court mandate, the Register must file it on the docket. If this Court’s judgment is reversed or modified—or if further proceedings are necessary—the parties may file an appropriate stipulation, order, or motion.

Comment

In 2026, Rule 72 was revised. Except as noted, no substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 72(b) was simplified; no substantive change in the movant’s obligations was intended.

Rule 72(c) was modified to reflect current practice of the Register in Chancery; no substantive change in the obligations of parties was intended.

Rule 72(a) addresses appeals to the Court of Chancery. The revised rule provides that appeals may be commenced either by a verified complaint under Rule 3 or by a notice of appeal, as has become customary in certain statutory appeals. Otherwise, appeals may be commenced as provided by statute.

Rule 77 is amended as follows:

**TITLE X. THE COURT OF CHANCERY; REGISTER
IN CHANCERY**

Rule 77. Court and Register Open; Register Office Hours; Register Duties; Notice of Orders; Conducting Trial and Other Proceedings; Opinions to be Dated

(a) Court and Register Open. The Court and Register are considered always open for filing any paper, issuing and returning process, or issuing an order.

(b) Register Office Hours. The Register’s office is open and staffed with a clerk, court administrator, or deputy court administrator during business hours every day except Saturdays, Sundays, legal holidays, and closures due to emergencies or inclement weather.

(c) Register’s Authority and Duties.

(1) *Authority.* The Register may act on any matter not requiring Court action, unless the Court suspends, alters, or rescinds the Register’s authority.

(2) *Rules.* The Register maintains the Rules and disseminates notice of any amendment to all members of the Bar within 10 days of adoption.

(3) *Attendance at Proceedings.* A representative of the Register attends any Court proceeding conducted in a regular courtroom, unless the Court orders otherwise, and attends other proceedings as instructed by the Court.

(4) *Custody of Records and Exhibits.* The Register maintains custody of Court records and exhibits, including hearing and trial exhibits. The Register may not permit a record or exhibit to be taken from its custody unless ordered by the Court or required by statute or the Rules. The Register may not disseminate copies of any hearing or trial exhibit unless ordered by the Court, required by statute or the Rules, or with the consent of the parties.

(5) *Disposal of Exhibits.* After a matter has concluded and the appeal period has expired, the Register must serve a notice directing the parties to take custody of all hearing or trial exhibits. Unless the Court orders otherwise, the Register may dispose of any exhibit not removed within 15 days or with the prior consent of the parties.

(d) Notice of Order.

(1) *Service.* The Register must serve each party not in default with a copy of every order.

(2) *Time to Appeal Unaffected by Lack of Service.* Lack of service with a copy of an order does not affect the time for appeal—or authorize the Court to relieve a party for failing to appeal within the time allowed— except as the Supreme Court may permit.

(e) Conducting Trial and Other Proceedings. The Court conducts trial, so far as convenient, in a courtroom. In the Court’s discretion or by agreement of the parties, the Court may conduct trial by means of remote communication reasonably equivalent to trial in a

courtroom. The Court may conduct any other proceeding or perform any act in Chambers or by means of remote communication reasonably equivalent to acting in Chambers.

(f) Written Opinions to be Dated. Letter opinions and orders must identify the date filed. Other written opinions must identify:

- (1) the date submitted, measured by the last proceeding on or paper submitted in connection with the matter decided, and
- (2) the date filed.

Comment

In 2026, Rule 77 was revised to align its language in certain respects with Federal Rule of Civil Procedure 77 so that authorities interpreting the federal rule could be cited as persuasive authority for the interpretation of Rule 77.

Revised Rule 77 conforms to current practice and responds to *Giordano v. Marta*, 723 A.2d 833 (Del. 1998). As the Delaware Supreme Court suggested in *Giordano*, revised Rule 77 makes clear that the Delaware Supreme Court can exercise its discretion to accept an untimely appeal.

Revised Rule 77 conforms to current practices, including:

- where and how proceedings are conducted;
- when a representative of the Register attends;
- when the Register closes its offices due to emergencies or inclement weather;
- when the Register distributes copies of hearing or trial exhibits;
- when the Register notifies the parties about options for disposing of hearing or trial exhibits;
- when the Register serves parties with orders; and
- whether letter opinions and orders identify a submission date.

Rule 78 is amended as follows:

Rule 78. Regular Hearings

The Court may establish regular times and places for hearing motions.

Comment

In 2026, Rule 78 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 78.

Rule 81 is amended as follows:

TITLE XI. GENERAL PROVISIONS

Rule 81. Corporate Election by Magistrate

(a) Appointment. The Court may appoint a Magistrate to conduct an election of directors for a Delaware corporation. The Court may condition relief on a bond to secure payment of the expense of the election.

(b) Time and Place. The Magistrate may fix a time and place for the election, notwithstanding any provision in the corporation's certificate of incorporation or bylaws.

(c) Stock Ledger. The Magistrate may direct the corporation to make its stock ledger or a copy available to the Magistrate. At least 10 days before the election, the Magistrate must use the stock ledger to make an alphabetical list of the stockholders entitled to vote in the election. Any stockholder of the corporation may inspect the list at the place of the election during the election itself and the 10 days before the election is held.

(d) Notice. Unless the Court orders otherwise, the Magistrate must give notice to stockholders at least 20 days before the election using whatever means the Magistrate determines to be the best practicable.

(e) Evidence of Ownership. The Magistrate may require stockholders to produce a share certificate or other evidence of ownership to vote in the election.

(f) Expenses. Subject to the approval of the Court, the Magistrate may impose the expense of the election—including the Magistrate's compensation—on the corporation, the parties, or any director.

(g) Contempt. Subject to the approval of the Court, the Magistrate may hold a disobedient corporation, director, or officer in contempt.

(h) Other Duties and Powers. The Court may give the Magistrate other powers and duties.

Comment

In 2026, Rule 81 was revised. Prior Rule 81(a) was deleted as unnecessary. The revised rule provides greater discretion to appointed Magistrates in Chancery to conduct an election of directors of a Delaware corporation. Otherwise, no substantive change in the interpretation of the rule is intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 82 is amended as follows:

Rule 82. Jurisdiction and Venue Unaffected

These Rules do not extend or limit the Court’s jurisdiction or the venue of actions.

Comment

In 2026, Rule 82 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 82 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 82.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 83 is amended as follows:

Rule 83. Proceedings In Forma Pauperis

(a) Application. Any party who cannot afford to pay Court fees or costs may apply to proceed in forma pauperis. The application must include an affidavit that complies with 10 *Del. C.* §§ 8802 to 8804.

(b) Determination. If the Court grants the application, the Court may waive all or part of the fees or costs, or approve a payment schedule. If the Court denies the application, then the Register must give written notice to

the applicant identifying the fees and costs due and a specific deadline for payment—at least 15 days from the date of the notice. A filing may be rejected or an action dismissed for non-payment.

(c) Deduction from Recovery. Any recovery—by judgment, settlement, or otherwise—obtained by a party proceeding in forma pauperis must be paid to the Register. The Register will deduct fees or costs otherwise due and disburse the balance.

(d) Dismissal Affidavit. A party proceeding in forma pauperis must file an affidavit affirming that no recovery was obtained before voluntarily dismissing a claim.

Comment

In 2026, Rule 83 was revised to streamline its language and avoid conflicts with 10 *Del. C.* §§ 8802–8804.

No substantive change in the interpretation of the rule was intended, and prior Delaware authorities interpreting the rule remain applicable.

A form of Application and Affidavit to Proceed In Forma Pauperis is available on the Court of Chancery’s website.

Rule 85 is amended as follows:

Rule 85. Title

These rules may be cited as the Court of Chancery Rules.

Comment

In 2026, Rule 85 was amended to allow parties to refer to the rules as the Court of Chancery Rules.

Rule 86 is amended as follows:

Rule 86. Effective Date of Amendments

Amendments to the Rules take effect when the Chancellor specifies. An amendment governs:

- (a) any action filed after the effective date; and
- (b) any pending action unless:
 - (1) the Chancellor otherwise specifies; or

(2) the Court determines that applying the amendment would be infeasible or unjust.

Comment

In 2026, Rule 86 was revised to align its language to the extent possible with Federal Rule of Civil Procedure 86 so that authorities interpreting the federal rule could be cited more easily as persuasive authority for the interpretation of Rule 86. Because the Court of Chancery Rules have been in effect since 1948, the revision omits any references to an effective date for the Rules as whole.

Rule 87 is amended as follows:

Rule 87. Omitted.

Comment

In 2026, Rule 87 was omitted in its entirety. The prior rule governed the assignment of causes or matters by the Court of Chancery to the Family Court. The Court of Chancery does not assign causes or matters to the Family Court.

Rule 88 is amended as follows:

Rule 88. Expense Awards

(a) Motion. A person may seek an award of expenses, including attorney’s fees, as part of the relief sought in a paper or by separate motion. If a person seeks an award by separate motion, then the motion must quantify the amount. If the Court has granted an award but not an amount, then absent agreement on an amount, the recipient must move to quantify the award.

(b) Affidavit. A person moving to quantify an award must submit an affidavit that includes:

- (1) a summary of the work forming the basis for the award;
- (2) the title, hourly rate, total hours worked, and total amount sought for each person whose work forms a basis for the award;
- (3) a summary of the out-of-pocket costs—organized by category—forming the basis for the award;

(4) a statement that the applicant has incurred the amount sought; and

(5) any other information the Court directs.

(c) Exception. This rule does not apply to petitions under Rule 192.

Comment

In 2026, Rule 88 was revised to conform to current practice by clarifying the requirements for a submission seeking an expense award. No substantive change was intended, and prior Delaware authorities interpreting the rule remain applicable.

Rule 100 is amended as follows:

TITLE XII. PROCEEDINGS TO MODIFY TRUSTS BY CONSENT

Rule 100. Contents of a Petition to Modify a Trust by Consent

(a) A party seeking to modify a trust by consent shall file a petition with the Register in Chancery.

(b) Every petition to modify a trust by consent shall address each of the following matters:

(1) The factual circumstances under which the trust was settled or created, the reasons for its settlement, how the trust has operated since its settlement including any material amendments since its settlement, and the events leading to the relief sought in the petition;

(2) Whether the trust was settled or created in a state other than Delaware or contains a choice of law provision in favor of the law of a jurisdiction other than Delaware; and

(3) The basis for this Court's jurisdiction over the trust and, to the extent jurisdiction is based on Delaware being the principal place of administration, a description of the administrative tasks and duties carried out by the Delaware trustee or other Delaware fiduciaries and a comparison of those tasks and duties

to those entrusted to fiduciaries or proposed fiduciaries domiciled outside Delaware.

(c) Every petition to modify a trust by consent shall address each of the following matters with particularity:

(1) The nature and status of any filed, pending, or threatened action, suit, or proceeding, whether civil, criminal, administrative, arbitral, or regulatory, relating to the subject matter of the trust, or among any of the petitioners or trust beneficiaries;

(2) Any prior determination or judgment on the merits in any action, suit, or proceeding involving any living person who is either a petitioner or a person who will serve as a fiduciary if the relief requested in the petition is granted, resulting in a criminal conviction, an adjudicated breach of the fiduciary duty of loyalty, or a determination reflecting on the honesty or integrity of such person;

(3) The nature of the relief sought in the petition and the reasons why such relief is being sought;

(4) The role(s) of the petitioner(s) in the existing trust (whether beneficiary, fiduciary, adviser, protector, etc.) and the proposed role(s) of the petitioner(s) in the trust if the relief sought in the petition is granted;

(5) How the proposed relief will affect the interests of current, vested future, and contingent beneficiaries;

(6) Any personal interest of any petitioner, or person who will serve as a fiduciary if the relief requested in the petition is granted, creating an actual or potential conflict between the interests of such person and the interests of the current, vested future, or contingent beneficiaries relating to the relief requested in the petition, including but not limited to conflicts relating to differing investment horizons, an interest in present income versus capital growth, or any limitation on, exculpation from, or indemnification for any existing or potential future liability;

(7) Whether any petitioner or beneficiary has a familial, personal, or financial relationship with any person who, as a result of the relief requested in the petition, will be appointed to a fiduciary or nonfiduciary office or role relating to the trust or will receive greater

authority, broader discretion, or increased protection, including but not limited to any limitation on, exculpation from, or indemnification for existing or potential future liability;

(8) Whether the relief sought in the petition would lead to any limitation on, exculpation from, or indemnification for any existing or potential future liability on the part of any fiduciary; and

(9) Whether any required consents are being given on behalf of any beneficiaries by representation under 12 *Del. C.* § 3547. Any petition which relies upon such consents also must conform with the requirements of Rule 103.

(d) In addition to the foregoing, any petition to modify a trust by consent that seeks to confirm a change of situs of a trust from another jurisdiction to Delaware, or that seeks to apply Delaware law to a trust despite a choice of law provision selecting the law of another jurisdiction, also shall address:

(1) Whether the trust instrument contains a provision expressly allowing the situs of the trust or the law governing the administration of the trust to be changed;

(2) If the trust was settled or created in a jurisdiction other than Delaware or contains a choice of law provision in favor of the law of a jurisdiction other than Delaware, whether or under what circumstances the law of the other jurisdiction authorizes changing the situs of the trust or the law governing the administration of the trust;

(3) Whether application has been made to the courts of the jurisdiction in which the trust had its situs immediately before the change of situs to Delaware for approval of the transfer of situs of the trust to Delaware, and the status of the application, or if no application was made, why such approval need not be sought;

(4) Whether Delaware law governs the administration of the trust, and, if so, why. To the extent that the petition relies upon the domicile of the trustee as support for a determination that the trust situs is Delaware or that Delaware law governs the administration of the trust, the petition shall explain

why Delaware is the principal place of trust administration, taking into account the administrative tasks and duties that will be carried out by the trustee, any tasks and duties assigned to advisers, trust protectors, or other persons, and any other factors counting in favor of or against Delaware jurisdiction, such as the ability of the Delaware trustee to resign automatically or under specific circumstances; and

(5) Whether a court of any other jurisdiction has taken any action relating to the trust.

Comment

In 2026, Rule 100 was revised to correct a typographical error and the numbering of paragraphs within the rule. No substantive change was intended, and prior Delaware authorities interpreting the rule remain applicable.

/s/ Kathaleen St. J. McCormick _____
Kathaleen St. J. McCormick
Chancellor