

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

KATHLEEN M. MILLER
JUDGE

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RE: *The Playbook Group, Inc. v. MADE Hoops LLC*
C.A. No.: N26C-01-178 KMM CCLD

Dear Counsel:

The Court is in receipt of MADE Hoops LLC’s (“MADE”) letter seeking permission to request Chancellor McCormick to seek to cross-designate me as a Vice Chancellor in this case.¹ The request arises from MADE’s amended Counterclaim and Third-Party Complaint filed in this court, which asserts two equitable claims – breach of fiduciary duty and aiding and abetting breach of fiduciary duty.

As noted in the letter, Section 13(2) of the Delaware Constitution provides that “[u]pon written request made by the Chancellor,” the Chief Justice of the Delaware Supreme Court may “designate [a] State Judge[] ... to sit in the Court of Chancery ... and to hear and decide *such causes in such Court* and for such period of time as shall be designated.” Del. Const. Art. IV, § 13(2) (emphasis added). Thus,

¹ D.I. 27.

the Chancellor may request cross-designation when a case is pending in the Court of Chancery. Stated differently, cross-designation requires that a case be pending in each of the Court of Chancery and the Superior Court.² Cross-designation does not expand the scope of Superior Court's jurisdiction to hear equitable claims or grant equitable relief. Because the equitable claims are asserted in the Superior Court and there is no related case pending in the Court of Chancery, this case is not eligible for cross-designation. Accordingly, the request to proceed with cross-designation is **DENIED**.

/s/Kathleen M. Miller
Kathleen M. Miller, Judge

² Superior Court judges may also be designated as vice chancellors in cases arising under 8 *Del. C.* § 111. *See* Fifth Amended Cross-Designation Order (Del. May 30, 2025).