

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF FRANK RENDE § No. 228, 2026
FOR A WRIT OF MANDAMUS §
 §

Submitted: July 17, 2026
Decided: September 10, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

ORDER

After consideration of the petition for a writ of mandamus and the responses, it appears to the Court that:

(1) Frank Rende petitions the Court, under Supreme Court Rule 43, to issue a writ of mandamus to the Court of Chancery. Rende asks the Court to direct the Court of Chancery to conduct a “limited evidentiary hearing” to, among other things, identify, trace, and distribute the contents of a Fidelity Individual POD/TOD account. The State, as the real party in interest, and the parties below have moved to dismiss Rende’s petition.

(2) Rende’s petition relates to the Court of Chancery action, *Rende v. Rende*, C.A. No. 2021-0734. There, Debra Rende and Paula Lombard petitioned the court to remove Rende from his position as co-trustee and co-agent of the June E. Rende Revocable Trust U/D/T dated June 10, 2015, and for an accounting and

related relief. The Court of Chancery issued a final order in the case on April 11, 2025 (the “Final Order”).

(3) A writ of mandamus will issue to a trial court only if the petitioner can show that: (i) he has a clear right to the performance of a duty; (ii) no other adequate remedy is available; and (iii) the trial court has arbitrarily failed or refused to perform its duty.¹ “[I]n the absence of a clear showing of an arbitrary refusal or failure to act, this Court will not issue a writ of mandamus to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.”² Critically, “a petition for a writ of mandamus may not be used as a substitute for an appeal.”³

(4) There is no basis for the issuance of a writ of mandamus here. First, the trial court has not arbitrarily failed or refused to perform its duty—as Rende admits in his petition, the Fidelity account has been “adjudicated.” Second, Rende did not, and does not, lack another adequate remedy. Through this petition—as well as a prior petition for a writ of mandamus⁴—Rende appears to be attempting to relitigate issues that were, or could have been, argued below or on appeal. And to the extent that Rende argues that he has not received distributions to which he is entitled under

¹ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

² *Id.*

³ *In re Noble*, 2014 WL 5823030, at *1 (Del. Nov. 6, 2014).

⁴ *In re Rende*, 2026 WL 926744 (Del. Apr. 2, 2026) (dismissing Rende’s prior petition for a writ of mandamus).

the Final Order, he may file a new action in the Court of Chancery seeking to enforce its terms.

NOW, THEREFORE, IT IS HEREBY ORDERED that the respondents' motions to dismiss are GRANTED. The petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice