

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

**BONNIE W. DAVID
VICE CHANCELLOR**

**COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DE 19947**

September 18, 2026

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RE: *Gerald N. Smernoff, Trustee Under the Gerald N. Smernoff Revocable
Trust Dated May 24, 2000, et al. v. The King's Grant Condominium
Association, Inc., et al.*, C.A. No. 2020-0798-BWD

Dear Counsel:

I write to address an Emergency Motion for Rule to Show Cause Regarding Approval of Work Orders, Payment to Contractor for Work, Deposits for Replacement Cabinets in the Unit and Reimbursement of the Plaintiffs' Lost Goods (the "Motion"), filed yesterday afternoon. *See* Dkt. 106. Through the Motion, plaintiffs Gerald N. Smernoff, trustee under the Gerald N. Smernoff Revocable Trust dated May 24, 2000, and Myrna M. Smernoff, trustee under the Myrna M. Smernoff Revocable Trust dated May 24, 2000 ("Plaintiffs"), ask the Court to hold a hearing "as soon as possible" to direct the defendants, The King's Grant Condominium Association, Inc. and Council of King's Grant Condominium ("Defendants"), to

review work orders, including to replace Plaintiffs' kitchen cabinets, and to reimburse various other expenses for repairs made to their vacation condominium unit. *Id.* at 2. The Motion is the second "emergency" motion that Plaintiffs have filed in five months. *See* Dkt. 101.

As a court of equity, this Court is frequently called upon to resolve emergent issues—guardians seeking authority to make end-of-life decisions, constitutional challenges to elections, requests to enjoin imminent transactions, and the like. It is a privilege and a joy of my position to employ the Court's expertise to deliver an expedited ruling in those matters.

When I receive an "emergency" motion, I set aside all other case work to make an immediate assessment of the needs of the parties. The Court's resources are not infinite, and doing so comes at a cost to other litigants who also require the Court's attention, including to address real emergencies. Labeling a motion an "emergency" when no real exigency exists is an abuse of our system. If all litigants insisted on expedited treatment, our system would grind to a halt.

This matter, like every action on my docket, is very important to me. But the relief sought in the Motion is not an "emergency." The parties should confer on a deadline by which Defendants will respond to the Motion, and the Court will resolve the Motion on a non-expedited basis.

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Sincerely,

/s/ Bonnie W. David

Bonnie W. David
Vice Chancellor

cc: All counsel of record (by File & ServeXpress)