

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE COVID-19)
PRECAUTIONARY MEASURES)

STANDING ORDER NO. 9

WHEREAS:

A. By Administrative Order No. 3 issued on May 22, 2020, the Delaware Supreme Court suspended, until the expiration of the judicial emergency, requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits filed with the Court of Chancery.

B. By Administrative Order No. 22 issued on June 29, 2021, the Delaware Supreme Court determined that the judicial emergency should be lifted on July 13, 2021, with certain precautions to prevent the spread of COVID-19 remaining in effect.

C. Paragraph 4 of Administrative Order No. 22 instructed that “[c]ourts should examine their rules and procedures to determine whether the expanded use of unsworn declarations under 10 *Del. C.* § 3927 should continue, to the extent consistent with constitutional and statutory requirements, after expiration of the judicial emergency.”

D. By Standing Order No. 6 dated July 12, 2021, the Court extended the suspension of any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Court of Chancery under 10 *Del. C.* § 3927, as limited by 10 *Del. C.* § 5354(b), until September 30, 2021.

E. By Standing Order No. 7 dated September 20, 2021, the Court extended the suspension of any requirements for sworn declarations, verifications, certificates,

statements, oaths, or affidavits in filings with the Court of Chancery under 10 *Del. C.* § 3927, as limited by 10 *Del. C.* § 5354(b), until November 30, 2021.

F. By Standing Order No. 8 dated November 15, 2021, the Court extended the suspension of any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Court of Chancery under 10 *Del. C.* § 3927, as limited by 10 *Del. C.* § 5354(b), until January 31, 2022.

G. Given that many of the law firms and businesses that litigate in the Court of Chancery continue to operate remotely, in full or in part as a precaution to prevent the spread of COVID-19, the Court of Chancery has determined that continued use of unsworn declarations under 10 *Del. C.* § 3927 is appropriate and consistent with constitutional and statutory requirements.

IT IS SO ORDERED, this 28th day of January 2022:

1. Under 10 *Del. C.* § 3927, as limited by 10 *Del. C.* § 5354(b), any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Court of Chancery are further suspended until March 31, 2022.

2. Except as provided in 10 *Del. C.* § 5354(b), any person or party may submit an unsworn declaration, verification, certificate, or statement under penalty of perjury to the Court of Chancery in place of a sworn declaration, verification, certificate, statement, oath, or affidavit.

3. The unsworn declaration, verification, certificate, or statement shall, as required by 10 *Del. C.* § 3927, be in substantially the following form:

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct. Executed on the _____ day of _____ (month) _____ (year).

(Signature) (Printed Name) _____

FOR THE COURT:

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