



LITIGATION DEPARTMENT

# ALERT

## NEW RULES ALLOW FOR "LIGHTNING FAST" ADJUDICATION OF NEW CASES FILED IN DELAWARE COURT OF CHANCERY

by Francis G.X. Pileggi

A new voluntary expedited procedure for new cases is coming to the Delaware Court of Chancery. It will provide a new streamlined, "lightning fast" litigation timetable for the adjudication of certain types of business disputes that fit within the parameters of the new rules. Highlights of the new rules were presented last month by Chancellor William B. Chandler to the Delaware Bar and are available [here](#).

This new procedure gives new meaning to the term "alacrity." It is designed to provide another option to litigants seeking expedited or summary proceedings for certain business disputes that fit the new "streamlined" process provided for in the new rules that will become effective on February 1, 2010. The new rules are available [here](#).

### Key points about the new procedure and rules include the following:

- As a prerequisite for cases seeking money damages, the amount in controversy must exceed one million dollars.
- The arbitrator will be a permanent sitting member of the court.
- A preliminary conference will be scheduled within 10 days of the commencement of the case to address procedural and substantive aspects of the case.

- The statutory authority for the parties to consent to this procedure is 10 *Del. C.* Section 349.
- The arbitration hearing will generally "occur no later than 90 days following receipt of the petition." *See Del. Ch. Ct. R. 97(c)*.
- The arbitration proceedings will be confidential.
- Discovery and motion practice are expected to be limited.
- Appeals will be directly to the Delaware Supreme Court
- Filing and hearing fees are as follows: \$12,000 for filing the petition and \$6,000 for each day of arbitration (to be shared by the parties). *See Order of Jan. 4, 2010 establishing fee schedule [here](#).*

This new "rocket docket" allows for an exciting and creative method to obtain an adjudication from a member of the court at "lightning speed" for the right type of case.

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