

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

STANDING ORDER No. 5

**EXTENSION OF STANDING ORDER No. 4
CONCERNING COVID-19 PRECAUTIONARY MEASURES**

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat.

WHEREAS, on March 6, 2020, the Court of Chancery issued a Standing Order Concerning COVID-19 Precautionary Measures (“Standing Order No. 1”).

WHEREAS, on March 12, 2020, the Governor of the State of Delaware issued a Declaration of a State of Emergency, effective March 13, 2020, due to the public health threat caused by COVID-19.

WHEREAS, on March 13, 2020, the President of the United States declared a National State of Emergency due to the public health threat caused by COVID-19.

WHEREAS, on March 13, 2020, the Delaware Supreme Court issued an Order Declaring a Judicial Emergency to become effective March 16, 2020 at 8:00 a.m. and continuing for 30 days, subject to further review, due to the public health threat caused by COVID-19.

WHEREAS, on March 16, 2020, the Court of Chancery issued Standing Order No. 2 Concerning COVID-19 Precautionary Measures (“Standing Order No. 2”), which implemented certain measures concerning the conduct of hearings and trials in the Court of Chancery.

WHEREAS, on April 14, 2020, the Delaware Supreme Court issued Administrative Order No. 4, extending the Judicial Emergency for another 30 days through May 14, 2020, subject to further review.

WHEREAS, on April 15, 2020, the Court of Chancery issued Standing Order No. 4 Concerning COVID-19 Precautionary Measures (“Standing Order No. 4”), which extended the measures in Standing Order No. 2 for another 30 days, through May 15, 2020, subject to further review.

WHEREAS, on May 14, 2020, the Delaware Supreme Court issued Administrative Order No. 6, extending the Judicial Emergency for another 30 days through June 13, 2020, subject to further review.

WHEREAS, Standing Order No. 4 expires on May 15, 2020, subject to further review.

WHEREAS, the Court of Chancery has determined that extension of the measures in its Standing Order No. 4 is necessary and required by the Delaware Supreme Court's further extension of the Judicial Emergency.

NOW, THEREFORE, it is **HEREBY ORDERED**, this 14th day of May, 2020, that:

1. The Court of Chancery extends the implementation of the measures in its Standing Order No. 4, such that:

- a. Subject to paragraph 1.b., all hearings and trials shall be conducted only by telephonic or other electronic means. If it is not practicable to conduct a hearing or trial in this manner in the judgment of the presiding judicial officer, the hearing or trial shall be continued.
- b. A party may request by motion that the Court conduct a hearing in-person in the event of an exigent need, *e.g.*, the existence of a threat of imminent irreparable harm. In such event, the moving party will bear the burden to demonstrate good cause for having an in-person hearing and that all other means of conducting the hearing are impracticable under the circumstances.

2. This Order shall become effective on May 14, 2020 and continue for 30 days, subject to further review.


Chancellor Andre G. Bouchard