

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

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October 30, 2020

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Re: *Stone & Paper Investors, LLC v. Blanch et al.*,
C.A. No. 2018-0394-PAF

Dear Counsel and Mr. Skinner:

The Court has reviewed Mr. Skinner's October 26, 2020 letter, seeking permission to file a motion for partial summary judgment. Dkt. 280. The basis for the motion is that plaintiff Stone & Paper Investors, LLC ("Plaintiff") has admitted that it approved payments and loans made to Skinner Capital, LLC and that Albert Carter, a manager of Plaintiff, "had complete control of the American Express card in which charges are at issue." *Id.* Mr. Skinner's letter does not include any

exhibits or otherwise provide any citation to the discovery record in support of his request for leave to file a motion for partial summary judgment.

“There is no ‘right’ to a summary judgment.” *Telxon Corp. v. Meyerson*, 802 A.2d 257, 262 (Del. 2002). Accordingly, “the court may, in its discretion, deny summary judgment if it decides upon a preliminary examination of the facts presented that it is desirable to inquire into and develop the facts more thoroughly at trial in order to clarify the law or its application.” *In re El Paso Pipeline P’rs, L.P. Deriv. Litig.*, 2014 WL 2768782, at *9 (Del. Ch. June 12, 2014) (citations omitted); *see also The Williams Cos. v. Energy Transfer LP*, 2020 WL 3581095, at *11 (Del. Ch. July 2, 2020) (“[T]he court in its discretion may determine that a trial record is necessary in the interests of justice.”).

This case is scheduled for trial in approximately six weeks, and the parties have not completed depositions. Having recently decided a motion to dismiss the Blanch Defendants’ counterclaims and third-party claims (Dkt. 158), presided over numerous discovery disputes (*see, e.g.*, Dkt. 127, 149, 207, 220, 248, 256, 270), and a recent motion to amend (Dkt. 197), the Court is familiar with the claims and issues in this case. Given the close proximity to trial, and that any motion for partial summary judgment will not obviate the need for trial, the Court concludes that it is desirable to consider the claims at issue on a full factual record developed

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at trial. Accordingly, Mr. Skinner's request to file a motion for partial summary judgment is denied.

IT IS SO ORDERED.

Very truly yours,

/s/ Paul A. Fioravanti, Jr.

Vice Chancellor

PAF/dtw