

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

SAM GLASSCOCK III
VICE CHANCELLOR

COURT OF CHANCERY COURTHOUSE
34 THE CIRCLE
GEORGETOWN, DELAWARE 19947

Date: May 26, 2022

David N. Rutt, Esq.
Scott Wilcox, Esq.
Moore & Rutt, P.A.
1007 North Orange Street, Suite 446
Wilmington, Delaware 19801

Robert A. McReynolds, Esq.
Robert Kleiner, Esq.
Luciana Parker, Esq.
State of Delaware Attorney General's Office
820 N. French Street
Wilmington, Delaware 19801

Sarah B. Cole, Esq.
Marshall Dennehey Warner Coleman & Coggin
1007 N. Orang Street, Suite 600
Wilmington, Delaware 19801

RE: *Joan Lofland, et. al. v. Delaware Department of Transportation,*
C.A. No. 2022-0253-SG

Dear Counsel:

I have before me the Plaintiffs' Motion for Reargument of Limited Intervention of Defendant JD's and Sons Masonry & Home Improvements, Inc. and Juan Elias Diaz (the "Motion").¹ The Motion asks that I reconsider my April 26, 2022 order² (the "Order") granting an apparently unopposed motion to intervene brought by JD's and Sons Masonry & Home Improvements, Inc. and Juan Elias Diaz

¹ Pls.' Mot. Rearg. Limited Intervention Def. JD's and Sons Masonry & Home Improvements, Inc. and Juan Elias, Dkt. No. 25 [hereinafter "Mot. Rearg."].

² Order, Dkt. No. 21.

(the “Motion to Intervene”),³ or that I limit the Intervenors involvement to just monitoring this action.⁴

The proposed intervenors filed their Motion to Intervene on April 13, 2022. I set a deadline of April 21, 2022 to respond to the Motion to Intervene, and instructed the parties that I would consider it unopposed if no opposition was filed by that date.⁵ On April 26, 2022, having received no opposition, I entered the Order granting the Motion to Intervene.⁶

Although the Plaintiffs’ Motion is styled as a motion for “reargument,” it is in fact a request that I consider, in equity, the merits of the Motion to Intervene now that it has been opposed. Having reviewed the Motion, I find that argument on the Motion to Intervene is warranted.

³ Mot. JD’s and Sons Masonry & Home Improvements, Inc. and Juan Elias Diaz for Leave to Intervene, Dkt. No. 12.

⁴ *See generally* Mot. Rearg.

⁵ Dkt. No. 14.

⁶ Order, Dkt. No. 21.

The parties should inform me by May 31, 2022 whether any further briefing is necessary regarding the Motion to Intervene, and I will set an oral argument date.

The Order is withdrawn.

IT IS SO ORDERED.

Sincerely,

/s/ Sam Glasscock III

Sam Glasscock III

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