

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DELAWARE COALITION FOR OPEN	:	CIVIL ACTION
GOVERNMENT, INC.,	:	
	:	
v.	:	
	:	
HONORABLE LEO E. STRINE, JR.,	:	
ET AL.	:	NO. 1:11-1015

ORDER

AND NOW, this 30th day of August, 2012, having considered the Defendant's Motion for Judgment on the Pleadings (Docket No. 19), the opposition and reply thereto, Plaintiff's Cross Motion for Judgment on the Pleadings (Docket No. 28), the opposition thereto, the amicus curiae briefs submitted by The Corporation Law Section of the Delaware State Bar Association (Docket No. 26), Nasdaq OMX Group Inc., NYSE Euronext (Docket No. 35), and the Committee for Freedom of the Press (Docket No. 36), and following oral argument held on February 9, 2012, IT IS HEREBY ORDERED THAT:

1. The Motion for Judgment on the Pleadings of defendants The Delaware Court of Chancery and the State of Delaware is GRANTED.
2. The Motion for Judgment on the Pleadings of defendants The Hon. Leo E. Strine, Jr., The Hon. John W. Noble, The Hon. Donald F. Parsons, The Hon J. Travis Laster and the Hon. Sam Glasscock, III, is DENIED.

3. The Cross-Motion for Judgment on the Pleadings of plaintiff Delaware Coalition for Open Government, Inc. is GRANTED as to defendants The Hon. Leo E. Strine, Jr., The Hon. John W. Noble, The Hon. Donald F. Parsons, The Hon J. Travis Laster and the Hon. Sam Glasscock, III.

4. Judgment is hereby entered for defendants The Delaware Court of Chancery and the State of Delaware against the plaintiff Delaware Coalition for Open Government, Inc. Judgment is hereby entered for the plaintiff Delaware Coalition for Open Government, Inc. against the defendants The Hon. Leo E. Strine, Jr., The Hon. John W. Noble, The Hon. Donald F. Parsons, The Hon J. Travis Laster and the Hon. Sam Glasscock, III.

5. Section 349 of title 10 of the Delaware Code, and implementing Court of Chancery Rules 96, 97 and 98 are declared unconstitutional as being in violation of the First Amendment to the Constitution of the United States, made applicable to the States pursuant to the Fourteenth Amendment to the Constitution of the United States. No further proceedings pursuant to that statute and those rules shall be permitted.

BY THE COURT:


MARY A. McLAUGHLIN, J.