



DELAWARE BUSINESS COURT INSIDER



Delaware Court of Chancery Vice Chancellor Sam Glasscock III.

ANALYSIS

'I've Had a Lot of Fun With Opinions': A Look Back at 10 Quintessential Opening Lines From Vice Chancellor Glasscock

In nearly 14 years on the Delaware Court of Chancery, Glasscock has tied the specifics of cases to literary references, movies, historical events or anecdotes about life in the state's southernmost county—even occasionally including jobs at his own writing.

January 07, 2025 at 07:20 PM

🕒 10 minute read

Judges



By Ellen Bardash

Litigation reporter

Those who pay close attention to the Court of Chancery can pick out ways each of its judges' writing styles differ. Arguably the most distinct of those voices is that of Vice Chancellor Sam Glasscock III, whose retirement from the court becomes effective this week.

During his time as a vice chancellor, Glasscock has written dozens of opinions that tie the specifics of the case he's addressing to literary references, movies, historical events or anecdotes about life in Sussex County, occasionally including a jab at his own writing.

“I like to write,” Glasscock said. “I always tell people, they pay me well, but not enough to not enjoy writing. So I've had a lot of fun with opinions, and I enjoy writing them.”

Here are 10 of the most memorable opinion openers—and some of the citations elaborating on them—that Glasscock has published during his nearly 14 years as a vice chancellor.

This Brief History of Delaware's Role in Slavery

In 2012, Glasscock wrote an opinion in *Sandie LLC v. The Plantations Owners Association Inc.*, a dispute over roads and parking in a housing

development near Belltown. A footnote to its opening lines addresses the development's name:

"Sussex County has been my home, man and boy. I like to think no one is more aware of, and grateful for, its virtues and amenities than am I. Sussex County, however, has a history that should not be forgotten. As Vice President Biden has pointed out, Delaware was a slave state, see Joe Biden's Greatest Hits, WALL ST. J., Aug. 23, 2008, and the main locus of its chattel slavery was the broad fields of Sussex. WILLIAM H. WILLIAMS, SLAVERY & FREEDOM IN DELAWARE 1639–1865, at 99 (1996). The County is adjacent to Maryland's Eastern Shore, whose most famous daughter and son are Harriet Tubman, born on the Brodas plantation, celebrated conductor of the Underground Railroad and advocate for women's suffrage, and Frederick Douglass, the escaped slave and abolitionist who became one of nineteenth-century America's most famous intellectuals. A few miles to the east, Sussex' most infamous resident was the notorious slave catcher Patty Cannon. In more recent times, de jure and customary racial segregation of public facilities, including schools, beaches and hospital wards, existed well within living memory. Belltown itself is an historic settlement of African Americans, many of whom in the early years of the last century made the three-mile walk into Lewes for work each morning, and the threemile walk home each night. See DELAWARE: A GUIDE TO THE FIRST STATE 493-94 (Jeannette Eckman, Anthony Higgins & William H. Conner eds., 1938). Belltown's school, which closed in the 1960s, was a one room, racially segregated facility. Belltown Focus of Lewes Historical Society Meeting Slated Feb. 19, CAPE GAZETTE, Feb. 18, 1999, at 24. Sussex, like the rest of formerly segregated America, has made enormous strides in civil rights in the past half-century, and the bad times described are gone, one might say, with the wind. And yet, when the developer in the 1980s picked a name for its upscale gated development adjacent to Belltown, it chose 'The Plantations.' Go figure."

This Ode to Persimmons and Judicial Decision Making

Glasscock denied a motion to lift a stay in a 2014 decision in Scott v. Dondero, comparing that decision to picking fruit only at the proper time: "Consider the persimmon. No wild fruits are so sweet and delectable as ripe persimmons after the first fall freeze, if you can beat the birds to them. But a green persimmon is not just less tasty; it is inedible. Not even a 'possum will eat a green persimmon. As with fruit, so with litigation. A bench judge has several tools to ensure that litigation, while perhaps not sweet, is at least palatable: one of these is the power to stay litigation in the interest of judicial and litigants' economy."

This Reminder of a Whale's Destructive Potential

In 2015, Glasscock granted a motion to dismiss in a derivative case against JPMorgan Chase & Co. in which a shareholder brought *Caremark* claims involving trader Bruno Iksil and the billions in losses he incurred for the bank. He compared damage by Iksil, known as the London whale, to damage done by a sperm whale:

"The C.W. Morgan is the last surviving ship of the American whaling fleet. In 1820, another ship of that fleet, the Essex, was attacked by a sperm whale, which rammed the ship repeatedly until the planking was sprung and timbers broken. The Essex foundered, utterly destroyed. In 2012, another Morgan—JPMorgan Chase & Co.—was heavily damaged by another whale—the so-called London whale. JPMorgan did not founder, but suffered losses in the billions of dollars."

This Parallel Between the Personal and Professional

Glasscock made clear in a 2015 decision he was ready to wrap up the "long and unfortunate litigation" in which a homeowners association was trying to compel a homeowner to trim foliage. He compared Seabreeze Homeowners Association v. Marshall Jenney to his own longstanding battle with foliage:

"In my personal life, I have inherited my father's decades-long struggle with an improvidently-planted wisteria that has gone rogue. Wisteria, like

litigation, can be an ornament to society or a noxious agent, depending on the circumstances. The instant litigation is the wisteria of my professional life."

This Biblical Metaphor for a Raccoon-Ridden Yacht

In November 2016, Glasscock wrote about the toll on a yacht that had been taken in the time it took to litigate a loan-related dispute in *Sequoia Presidential Yacht Group LLC et al. vs FE Partners LLC*, calling the situation a "morass of litigation which is mercifully coming to an end":

"In Joseph Heller's satirical take on the Biblical King David, David laments the stupidity of his son, King Solomon. David invokes Solomon's famous decision resolving a case where two alleged mothers each claim the same baby—Solomon offered to cut the infant in two—which is considered the epitome of wisdom. David tells us the real story: Solomon was 'dead serious.' It is with chagrin that I recognize that this lengthy litigation has been nearly as deleterious for its 'baby'; the famous ex-Presidential Yacht Sequoia. The Sequoia, an elderly and vulnerable wooden yacht, is sitting on an inadequate cradle on an undersized marine railway in a moribund boatyard on the western shore of the Chesapeake, deteriorating and, lately, home to raccoons."

This Holiday-Themed Merger Metaphor

In early December of 2017, Glasscock started an opinion in *The Williams Companies Inc. v. Energy Transfer Equity LP* by taking inspiration from the previous week's Thanksgiving festivities and a well known poem:

"What, Langston Hughes asked, becomes of a dream deferred? When the dream is a multi-billion-dollar merger that changing market conditions no longer favor, it seems, it becomes a carcass that, like those of millions of turkeys featured in the holiday feasts just past, is diligently picked over. The carcass here is the remnant of the dreamed-of merger of The Williams Companies Inc. and Energy Transfer Equity LP."

This Comparison of Corporate Law Interpretation to Sculpture

In 2018, Glasscock conducted an appraisal of AOL Inc., issuing an opinion that likened the process to an artistic one:

"Each block of marble, Michelangelo believed (or purported to believe) contained a sculpture; the sculptor's job was merely to pitch the overburden to reveal the beauty within. Early jurists believed (or purported to believe) something similar about common law; that it existed in perfect form, awaiting 'finding' by the judge. By contrast, even Blackstone would expect that statutory law would be an explicit, if blunt, tool of justice; manufactured, rather than revealed. Our appraisal statute, Section 262 of the DGCL, is an exception. Broth of many cooks and opaque of intent, it provides every opportunity for judicial sculpting."

This Juxtaposition of a Fee Dispute and a WWI Battle

Glasscock opened his December 2020 opinion in Great Hill Equity Partners IV LP v. SIG Growth Equity Fund I LLLP by comparing the last-mile effort to resolve fees in years-long litigation to British soldiers' slog to gain ground near the end of World War I:

"Just over a century ago, the British army commenced one of the last great setpiece battles of World War I. The object was to break across the German trenches at the Ypres salient, in Flanders, and take the Passchendaele Ridge, and then the ports on the Belgian coast where the Germans maintained U-boat bases. The British offensive, after first making good progress in June to take nearby Messines Ridge, was launched in earnest on July 31, 1917. The British 'counted on an early breakthrough' to Passchendaele, but progress was slower than expected, as heavy rains (and the effects of 4.5 million British artillery shells fired into the German lines) turned the Flanders plain into a near-impassable swamp. By late August, the British had lost 70,000 men with little progress made, but the decision was taken to redouble efforts with fresh troops. The fighting continued for weeks, months, with the British

making slow progress. Finally, on November 6–10, Canadian troops under British command took the village of Passchendaele and cleared Passchendaele Ridge, in what the Encyclopedia Britannica calls an 'ostensible British victory.' Strategically, the offensive failed, and the Allied forces were 'no nearer reaching the ports that formed their goal than when' the battle commenced. The German Army could be credited with a similar Pyrrhic victory—their defense had cost them only 220,000 killed and wounded; the British suffered 275,000. The British effort had advanced their line five miles.

"And then there was *Great Hill Equity Partners IV, LP v. SIG Growth Equity Fund I, LLLP*."

This Callout of an Octopus-Like Litigation Strategy

In August 2023, Glasscock wrote a letter decision in *Candy Williams and Jackie Ferris v. John M. Lester Jr. et al* dismissing a dispute between neighbors, calling the plaintiff's assertion that the case fell under equity jurisdiction "impressively octopoid":

"Scientists have found that the octopus is bizarrely adept at navigating mazes. Its protean and malleable body—together with a keen brain distributed throughout its nervous system, so that each arm can think independently—allows it to make short work of finding any exit that a biologist's apparatus has left it. But the octopus has nothing on the contortions exhibited in Plaintiffs' attempt to establish jurisdiction here."

This Comparison of an Anaconda's Digestion to SPAC Litigation

In his 2024 opinion in *Solak v. Mountain Crest Capital* addressing the conflicting interests of directors of and investors in SPACs, Glasscock used a metaphor for the court's processing of SPAC-related litigation, backed up with a citation to an article in a wildlife magazine:

"The adult anaconda, they say, eats perhaps once a year; open its belly, and you will see not what it is eating, but what it has eaten in times past."

So too with the progress of litigation through the belly of Chancery; the sorting out of the fiduciary problems inherent in the SPAC form, together with other factors, has reduced the SPAC population on the ground, but the bulge of SPAC carcasses continues to be digested in equity."

NOT FOR REPRINT

© 2025 ALM Global, LLC, All Rights Reserved. Request academic re-use from www.copyright.com. All other uses, submit a request to asset-and-logo-licensing@alm.com. For more information visit [Asset & Logo Licensing](#).

You Might Like



February 11, 2025

Trump Gets Second Shot at Flipping the 3rd Circuit. What Might its Future Look Like?