

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SECRETARY CLAIRE DEMATTEIS in	:	
her official capacity as Secretary of the	:	
Delaware Department of Human	:	
Resources and Co-Chair of the State	:	No. 178,2023D
Employee Benefits Committee,	:	
DIRECTOR CERRON CADE In his	:	
official capacity as Director of the	:	On Appeal from the Superior
Delaware Office of Management and	:	Court of the State of Delaware
Budget and Co-Chair of the State	:	
Employee Benefits Committee,	:	C.A. No. N22C-09-526 CLS
DELAWARE DEPARTMENT OF	:	
HUMAN RESOURCES, DELAWARE	:	
STATE EMPLOYEE BENEFITS	:	
COMMITTEE, and DELAWARE	:	
DIVISION OF STATEWIDE BENEFITS	:	
	:	
Defendants Below,	:	
Appellants,	:	
	:	
v.	:	
	:	
RISEDELAWARE INC., KAREN	:	
PETERSON, AND THOMAS PENOZA	:	
	:	
Plaintiffs Below,	:	
Appellees.	:	

NOTICE OF CROSS APPEAL

TO: Connolly Gallagher LLP
Max B. Walton, Esq.
Shaun Michael Kelly, Esq.
Lisa R. Hatfield, Esq.
1201 N. Market St, 20th Floor
Wilmington, DE 19801

Delaware Department of Justice
Patricia A. Davis, Esq.
Adria Martinelli, Esq.
820 N. French St, 6th Floor
Wilmington, DE 19801

PLEASE TAKE NOTICE that:

1. RiseDelaware Inc, Karen Peterson and Thomas Penozza, Plaintiffs Below, Appellees/Cross Appellants, do hereby appeal to the Supreme Court of the State of Delaware from: (1) the Superior Court's Order on Final Judgment entered on May 22, 2023 (Trans ID70060833); (2) the Superior Court's Order upon Plaintiffs' Petition for Attorneys' Fees entered on February 8, 2023 (Trans. ID 69104306), and (3) the Superior Court's Order regarding Plaintiffs' Motion To Amend And Supplement Their Complaint entered on December 19, 2022 (Trans. ID 68662262). The February 8 and May 22, 2023 Orders are attached as Exhibits B and C to the May 22, 2023 Notice of Appeal by the Defendants Below, Appellants. The December 19, 2022 Order is attached to this Notice of Cross Appeal as Exhibit 1.

2. The parties against whom this cross appeal is taken are all of the Defendants Below, Appellants here: Secretary Claire DeMatteis in her official capacity as Secretary of the Delaware Department of Human Resources and Co-Chair of the State Employee Benefits Committee; Director Cerron Cade in his official capacity

as Director of the Delaware Office of Management and Budget and Co-Chair of the State Employee Benefits Committee; the Delaware Department of Human Resources; the Delaware State Employee Benefits Committee; and the Delaware Division of Statewide Benefits.

3. The names and addresses of the attorneys of record for the Defendants Below, Appellants are as follows:

Max B. Walton, Esq.
Shaun Michael Kelly, Esq.
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4. The transcript of the October 17, 2022 hearing below was previously transcribed (Trans. ID 68418618). The transcript of the May 16, 2023 hearing is necessary for inclusion in the record and was ordered from the Chief Court Reporter of the Superior Court of the State of Delaware on May 16, 2023.

June 21, 2023

Respectfully submitted,

/s/ Sidney S. Liebesman

Sidney S. Liebesman, Esq. (No. 3702)

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***Attorneys for Plaintiffs Below, Appellees/
Cross Appellants***

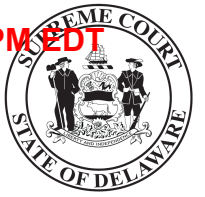


EXHIBIT 1



Moot
/s/ Calvin Scott Dec 19, 2022

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

RISEDELAWARE INC., <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. N22C-09-526-CLS
	:	
SECRETARY CLAIRE DEMATTEIS in	:	
her official capacity as Secretary of the	:	
Delaware Department of Human	:	
Resources and Co-Chair of the State	:	
Employee Benefits Committee, <i>et al.</i> ,	:	
	:	
Defendants.	:	

[PROPOSED] ORDER APPROVING PLAINTIFFS’ MOTION TO AMEND AND SUPPLEMENT THEIR COMPLAINT

Plaintiffs’ Motion to Amend and Supplement their Complaint, having been presented and considered by the Court,

IT IS HEREBY ORDERED this ____ day of _____, 2022, that Plaintiffs’ Motion is GRANTED. Plaintiffs will file their Amended Complaint within three (3) days of the date of this Order.

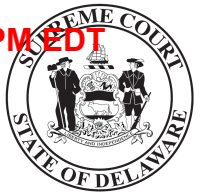
Judge

This document constitutes a ruling of the court and should be treated as such.

Court Authorizer

Comments:

Seemingly, this case ended after the Court entered its October 19, 2022, order. After that date, it is unclear what additional action by the attorneys, or the Court was needed to end the case, other than an order closing the case. There was no trial, no facts for the Court to determine and no need to amend the complaint.



CERTIFICATE OF SERVICE

I, Sidney S. Liebesman, Esq., hereby certify that on this 21st day of June, 2023,
the foregoing Notice of Cross Appeal was served on the following via File &
ServeXpress:

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Shaun Michael Kelly, Esq.
Lisa R. Hatfield, Esq.
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/s/ Sidney S. Liebesman
Sidney S. Liebesman (No. 3702)