

## NEWS & DEVELOPMENTS

### Delaware Bankruptcy Court Denies Motion to Compel Production of Post-Sale Financial Information

Under [an opinion](#) dated August 6, 2014, the Delaware Bankruptcy Court denied a motion to compel the production of post-sale financial information. The plaintiff's claims were for breach of fiduciary duty and aiding and abetting thereof arising from the debtor's pre-petition sale of certain assets to the defendants. The defendants were the former officers of the subject assets, debtor's former wholly-owned subsidiary. The plaintiff moved the court to compel the production of post-sale financial information, purportedly to test the accuracy and reasonableness of pre-sale projections. The court denied the motion, noting that while confirmatory data can be used to determine the accuracy and reasonableness of projections and related valuations, in this case the court's principal focus would be on the decision-making process of the sale rather than the mere accuracy of a valuation that may have been relied on.

—[Marcos Ramos](#), *Richards, Layton & Finger, P.A., Wilmington, DE*

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