

**BEFORE THE TAX APPEAL BOARD
OF THE STATE OF DELAWARE**

TAN SAN PEI,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 1861
	)	
STATE ESCHEATOR,	)	
	)	
Respondent.	)	

DECISION AND ORDER

On February 5, 2026, this Board issued a Decision and Order concluding that petitioner Tan San Pei, a resident of Singapore, received all the relief she is entitled to receive on her claim to 855 shares of Micron Technology, Inc. stock (the “Shares”) that were escheated to the State of Delaware in 2017 and then sold by the respondent in 2018 (the “February Decision”).

On February 11, 2026, petitioner sent this Board an email asking it to reconsider its February Decision.

On February 12, 2026, this Board issued an Order stating the Board considered the email a motion for reconsideration under TAB Rule XXI and directed the parties to brief the motion. The parties have submitted their briefs. The Board, having considered that briefing, determines that the motion for reconsideration

should be granted and that the February Decision should be set aside and vacated, and the case should proceed as set forth below.

Relatedly, petitioner filed a motion for limited discovery asking the Board to compel respondent to produce “limited discovery relevant to the ‘outreach’ and ‘notice procedures’ alleged in Respondent’s Opposition” to the motion for reconsideration. Petitioner’s Motion for Limited Discovery at 1. For the reasons set forth below, the Board grants in part and denies in part petitioner’s motion for limited discovery.

While the Board is granting the motion for reconsideration and is allowing further limited discovery in order to address what amounts to a misunderstanding between the parties and the Board, it is unclear whether the additional process and discovery will result in the Board reaching a conclusion different than the February Decision.

BACKGROUND

On May 14, 2025, the parties appeared before the Board for an initial conference. During that conference, the Board advised the petitioner that any facts that were important to her case needed to be presented to the Board either in a factual stipulation or at a factual hearing.¹

¹ Transcript of May 14, 2025 TAB Hearing at page 11, lines 14-20 (“MR. SCHILTZ: This is the most important thing I’m going to say to you today. If there’s a fact that’s important to your case that you think will help you win, you need to present it to us either in the stipulation or at a factual hearing. We can only consider facts that come into us that way. All right? MS. TAN: Okay.”).

Thereafter, the parties worked together to prepare a joint stipulation of facts. Among other things, the stipulation of facts the parties submitted to the Board stated, “IT IS HEREBY STIPULATED AND AGREED by the parties that ... On January 17, 2018, [the Delaware Office of Unclaimed Property] sent an outreach letter (the ‘Outreach Letter’) to the Petition using the Petitioner’s last known address [in Singapore] ... as reported by the holder.” The stipulation of facts also set forth the parties’ arguments and counterarguments as to the merits of the dispute, albeit in a summary fashion.

On September 10, 2025, the parties held a status conference with the Board. At points during that hearing, petitioner stated that the stipulation of facts set forth all facts she wanted the Board to be aware of and that she did not want a factual hearing,² while at other points during the hearing she was less clear on these issues.

See also Summary of Proceedings Before the Delaware Tax Appeal Board, a memorandum distributed to all petitioners, at 7 (“***Notably, any facts important to a [petitioner’s] case must be presented to the Tax Appeal Board either in a stipulation or at a factual hearing.***” (emphasis in original)).

² See Transcript of September 10, 2025 TAB Hearing at page 5, line 9 to page 6, line 8:

MR. SCHILTZ: At our last hearing, we talked to you about preparing a stipulation of facts that sets forth the facts that you think are important to your case that you want us to know about.

MS. TAN: Okay. Okay. Yes

MR. SCHILTZ: And we encouraged the parties to prepare a comprehensive statement of facts and submit that to the board.

MS. TAN: Yes.

MR. SCHILTZ: What Mr. Staib is saying is that the parties have done that, that all the facts from the State’s perspective are in the stipulation of facts.

MS. TAN: Okay.

MR. SCHILTZ: And he believes that’s true from your perspective as well.

MS. TAN: Right.

During the September hearing petitioner also suggested that she did not want to submit further briefing.³

Based on petitioner's statements at the September 2025 hearing, the Board determined to move forward and resolve the dispute based solely on the stipulation of facts and arguments therein. Thereafter, the Board issued the February Decision.

Petitioner's briefing on the motion for reconsideration contends the stipulation of facts "is factually incomplete and fails to reflect her actual position," she believed "she would be granted a hearing to testify" and that she now seeks to submit further briefing on the merits. Petitioner's Memorandum in Support of Contesting the Decision and Order and Statement of Facts at 1. Respondent's reconsideration briefing states petitioner did not waive her right to an evidentiary hearing. Respondent's Opposition to Petitioner's Request for Reconsideration at 17. As she did in the stipulation of facts, petitioner contends that she never received the Outreach Letter. In her motion for additional discovery, petitioner seeks further discovery regarding the Outreach Letter and how it was mailed, among other things.

MR. SCHILTZ: And is that correct that all the facts that you want us to know about are in the stipulation?

MS. TAN: Yes. It's correct.

MR. SCHILTZ: Okay. Then with that, I assume then you don't want a factual hearing?

MS. TAN: Correct.

³ See Transcript of September 10, 2025 TAB Hearing at page 7, line 1 to page 9, line 14 ("if you want to skip briefing ... [w]e can take the matter under advisement on the papers that we have..., " petitioner acknowledging she set forth her arguments to the best of her ability in the stipulation of facts, the Board informing the parties that it would take the matter under advisement and would let them know if further submissions were necessary and parties agreeing to that process).

ANALYSIS

A. Motion for Reconsideration

To prevail on a motion for reconsideration, the moving party must demonstrate that the Board “overlooked a controlling precedent or legal principles,” or “has misapprehended the law or facts such as would have changed the outcome of the underlying decision.” *Kappa Alpha Educational Foundation, Inc. v. City of Newark*, 2020 WL 62618, *1 (Del. Super. Jan. 6, 2020). A motion for reconsideration is not an opportunity for a party to rehash arguments already decided or to present new arguments not previously raised. *Id.*

The Board’s rules allow for a factual hearing if there are facts on which the parties cannot agree and allow for briefing in connection with proceedings before the Board. It was the Board’s understanding that petitioner was not requesting a factual hearing and agreed no briefing was necessary based on petitioner’s statements at the September hearing. While petitioner made statements at the hearing supporting that understanding, the complete transcript of the September hearing suggests there was some uncertainty or a lack of complete clarity as to how petitioner wished to proceed.

This case is unique and presents a very close question of whether to grant the motion for reconsideration; however, under the circumstances present in this case, and to ensure petitioner receives the full due process she now seeks, we will grant

the motion for reconsideration on the ground that the Board overlooked controlling legal principles, *i.e.*, its own rules related to factual hearings and briefing.

B. Motion for Limited Discovery

Petitioner's motion for limited discovery seeks: (i) "The specific 'mailing log' or 'manifest' for [mailing] batch 932 that allegedly included" the Outreach Letter sent to petitioner ("Request 1"); (ii) documents reflecting "the specific postage amount applied to Petitioner's international address ..." ("Request 2"); (iii) "The internal 'KAPS' policy or manual in effect at the time regarding the handling of international addresses with 'domestic outreach' batches" ("Request 3"); (iv) "all written or electronic communications between the State Escheator (or the Office of Unclaimed Property) and Morgan Stanley regarding the 'Due Diligence' requirements of 12 *Del. C.* § 1148," including "any reports of 'undeliverable' mail sent by Morgan Stanley to the State" prior to the escheatment of petitioner's stock ("Request 4"); and (v) "The original Verified Report (Form OU-1/OU-2) submitted by Morgan Stanley that included Petitioner's assets" ("Request 5").

Respondent opposes further discovery contending petitioner's request is too late given the issuance of the now-vacated February Opinion, petitioner is bound by her stipulation as to the timing of the mailing of the Outreach Letter set forth in the stipulation of facts, there is no question regarding the timing of the mailing as respondent has filed two affidavits that comply with 12 *Del. C.* § 1160(c)(3), the

information has been produced already in some other form, the information does not exist, or petitioner seeks highly confidential information.

After considering the parties' submissions, section 1160(c)(3) of title 12 of the Delaware Code, which addresses how the respondent can establish the date an outreach letter was sent to a claimant per 12 *Del. C.* § 1150, and the confidentiality concerns recognized in 12 *Del. C.* § 1189, the Board resolves petitioner's motion for limited discovery as follows:

1. With regard to Request 1, respondent is directed to provide petitioner with a document reflecting the information on the screen shot set forth in paragraph 9 of the April 4, 2025 affidavit of Devashree M. Singh;

2. With respect to Request 2, respondent contends it has no documents reflecting postage paid in connection with individual outreach letters. Respondent's Opposition to Petitioner's Motion for Limited Discovery at 7 ("the KAPS system does not contain proof of postage payment for individual outreach letters"). Respondent cannot be compelled to produce documents that are not in its possession or the possession of its agents; however, respondent should confirm whether the agent it uses to mail outreach letters, Kelmar Associates, does or does not have documentation outside the KAPS system that reflects the postage amount applied to the Outreach Letter sent to petitioner. If Kelmar Associates does not have any documentation reflecting the postage applied to the Outreach Letter sent to

petitioner, respondent should obtain an affidavit from a Kelmar Associates representative indicating the steps Kelmar Associates took in January 2018 to ensure that outreach letters sent to an international addressee had sufficient postage to ensure delivery;

3. With respect to Request 3, respondent is directed to produce any documentation it has related to the process Kelmar Associates or others would follow in or around January 2018 when sending outreach letters to owners (international or otherwise) and to collect and produce the same documentation from Kelmar Associates;

4. With respect to Request 4, respondent is not required to produce any documentation. The steps Morgan Stanley took to determine if the Shares were abandoned property or to contact petitioner before escheating the Shares to respondent are not relevant to this proceeding. If Morgan Stanley failed to comply with its statutory obligations, that is an issue between the petitioner and Morgan Stanley. Respondent is not required to investigate, administer or correct Morgan Stanley's activities under Delaware's unclaimed property laws and any errors by Morgan Stanley are not grounds to obtain relief from the respondent; and

5. With respect to Request 5, respondent shall provide a screen shot from the form Morgan Stanley submitted showing any information Morgan Stanley reported to respondent regarding the Shares, *i.e.*, the number of Shares being

escheated, the name of the owner/beneficial owner, the address for that owner/beneficial owner, etc. No information regarding any property other than the Shares that is set forth on the Morgan Stanley report shall be disclosed to petitioner and any information on that report that does not concern the Shares may be redacted as necessary. This information is being ordered produced as part of a judicial proceeding per 12 *Del. C.* § 1189.

Respondent or its agents may not have documents responsive to the foregoing paragraphs. If that is the case, respondent shall inform the petitioner.

C. Next Steps

After respondent produces the documents and information it has been ordered to produce, the parties shall meet and confer and prepare an amended stipulation of facts that supplements the stipulation of facts that was already filed with the Board. The amended stipulation of facts should include any additional facts the parties can agree to and, if possible, should address the outreach letter that Morgan Stanley contends it sent to petitioner in early 2018 referred to in the motion for reconsideration briefing. If possible, the amended stipulation of facts also should address the account statement that Morgan Stanley sent to petitioner in early 2018 showing an account balance of \$0, which also was referred to in the motion for reconsideration briefing. Other facts sought by petitioner in her discovery should also be included to the extent the parties can stipulate to them. Any amended

stipulation of facts will amend and supplement, not replace, the existing record. This means facts stipulated to in the original stipulation of facts will remain stipulations of the parties.

If there are any facts that are important to either party to which the parties cannot stipulate, the Board will hold a factual hearing in this matter.

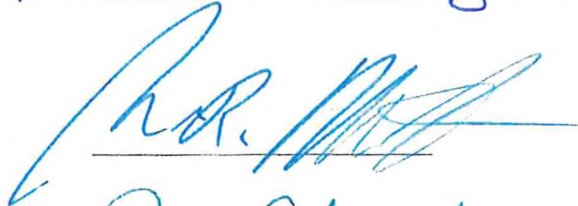
For the foregoing reasons, petitioner's motion for reconsideration is granted and her motion for limited discovery is granted in part and denied in part.

SO ORDERED this 13th day of July, 2026.



Joan Winters





Robert Slavim / rcs