

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3136

WALTER SCHRAMM; CHRISTINE KYDD; MARK HILFERTY; LUDOVIC
BONNIN, on behalf of themselves and other persons similarly situated,
Appellants

v.

STATE ESCHEATOR DELAWARE; BRIAN WISHNOW, in his capacity as the
Assistant Director of the Office of Unclaimed Property; SECRETARY DELAWARE
DEPARTMENT OF FINANCE

On Appeal from the U.S. District Court, D. Del.
Judge Maryellen Noreika, No. 1:22-cv-01443

Before: SHWARTZ, CHUNG, AND FISHER, *Circuit Judges*
Submitted: Oct. 1, 2026; Filed: Oct. 6, 2026

NONPRECEDENTIAL OPINION*

SHWARTZ, Circuit Judge.

Plaintiffs, Non-Delaware Residents Walter Schramm, Christine Kydd, and
Ludovic Bonnin, as well as Delaware Resident Mark Hilferty, owned property that was
escheated to Delaware years ago. They now challenge Delaware's escheatment statute.
Because the District Court correctly determined that they lack standing, we will affirm
the order granting summary judgment in Defendants' favor.

* This disposition is not an opinion of the full Court and, pursuant to I.O.P. 5.7,
does not constitute binding precedent.

Escheatment is the procedure by which a state may “take custody of property deemed abandoned.” Delaware v. Pennsylvania, 598 U.S. 115, 119 (2023). The Delaware Unclaimed Property Law (“DUPL”), 12 Del. C. § 1130, et seq., permits escheatment of property that has been deemed abandoned only if (1) the last known address of the property’s owner is in Delaware, id. § 1140, or (2) the property was last held¹ by a Delaware domiciliary² and the owner’s last known address is (a) “in a foreign jurisdiction” that does not have an escheatment scheme, or (b) unknown, id. § 1141. Owners of escheated property can recover their property (or the proceeds from its sale) by filing a claim with the State Escheator. Id. § 1165.

Plaintiffs owned property that was escheated to Delaware before 2017.³ The Non-Delaware Residents owned securities that had been escheated, submitted claims to Delaware in 2015, 2016, and/or 2017, and were paid thousands of dollars on their claims. The Non-Delaware Residents do not own any other property at risk of escheatment in Delaware. The Delaware Resident owned a rebate worth less than \$10 that was

¹ The “Holder” of property deemed abandoned is “any person having possession, custody, or control of the property of another person” and includes “the issuer of any intangible ownership interest in a corporation,” such as an ownership interest represented by a stock certificate. 12 Del. C. § 1130(11).

² The DUPL defines “[d]omicile” as (1) “the state of [a corporation’s] incorporation,” (2) “the state of . . . filing” for a business organization other than a corporation, or (3) “the state of [a federally chartered entity’s] home office.” 12 Del. C. § 1130(4).

³ The DUPL was updated in 2017 to require mailed notice before Delaware escheats property. Compare 12 Del. C. § 1150 (2017) (added by 81 Del. L. 2017, ch. 1, § 2, eff. Feb. 2, 2017) with 12 Del. C. §§ 1130-77 (2016).

escheated and began the process to submit a claim twice (in 2016 and in 2019), but failed to submit the required documentation. Although he suggests that he might own property at future risk of escheatment, he has not specifically identified such property.

In an amended complaint, Plaintiffs initiated a putative class action against Defendants, the State Escheator of Delaware, Assistant Director of Enforcement of the Office of Unclaimed Property, and Secretary of Finance for the State of Delaware, in their official capacities, including allegations that the escheatment of their property violated the Due Process Clause of the Fourteenth Amendment and seeking declaratory and injunctive relief.⁴ The District Court granted summary judgment for Defendants due to, among other things, Plaintiffs' lack of standing to seek injunctive relief because (1) the Non-Delaware Residents "indicated that they face no imminent risk of escheat," as they did not reside in Delaware and owned no property in the state, and (2) the Delaware Resident testified only that "there may be unclaimed property that may yet be escheated." Schramm v. Mayrack, No. CV 22-1443 (MN), 2025 WL 2781707, at *4-5 (D. Del. Sep. 30, 2025) (emphases omitted).

Plaintiffs appeal.

⁴ Plaintiffs do not appeal the District Court's decision dismissing their Fifth Amendment Takings Clause claim under Rule 12(b)(6). Schramm v. Mayrack, No. CV 22-1443 (MN), 2024 WL 4299976, at *1 (D. Del. Sep. 26, 2024). Nor do Plaintiffs appeal the District Court's decision dismissing the claims in the original complaint against the State of Delaware and against Defendant Brenda Mayrack in her individual capacity. Schramm v. Mayrack, No. CV 22-1443 (MN), 2023 WL 6387889, at *8 (D. Del. Sept. 29, 2023).

To establish the “‘irreducible constitutional minimum’ of standing,” plaintiffs “must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016) (quoting Lujan v. Defs. of Wildlife, 504 U.S. 555, 560 (1992)). Because “a plaintiff must demonstrate standing” for the “form of relief sought,” when plaintiffs seek “prospective (forward-looking) relief in the form of an injunction or a declaratory judgment, they must show that they are likely to suffer future injury.” Yaw v. Del. River Basin Comm’n, 49 F.4th 302, 317-18 (3d Cir. 2022) (quotation marks, citations, and emphasis omitted). “The future injury must also be ‘imminent,’ meaning that it is ‘certainly impending’ rather than just merely ‘possible.’” Id. at 318 (quoting Clapper v. Amnesty Int’l USA, 568 U.S. 398, 409 (2013)).

Plaintiffs do not have standing to seek prospective injunctive and declaratory relief because they have not shown that they are likely to suffer imminent injury. Because the Non-Delaware Residents do not live in Delaware and do not claim to own property held by a Delaware domiciliary, their property is not at imminent risk of escheatment under Delaware law. See 12 Del. C. §§ 1140 (permitting the State Escheator to take custody of

⁵ Our review of a district court’s order granting summary judgment is plenary, Mylan Inc. v. SmithKline Beecham Corp., 723 F.3d 413, 418 (3d Cir. 2013), and we view the facts and make all reasonable inferences in the non-movant’s favor, Hugh v. Butler Cnty. Fam. YMCA, 418 F.3d 265, 267 (3d Cir. 2005). Summary judgment is appropriate where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

property that is presumed abandoned if the owner’s last-known address is in Delaware), 1141 (permitting the State Escheator to take custody of property that is presumed abandoned if the property holder is domiciled in Delaware under some circumstances). Likewise, while the Delaware Resident suggested he might have property that could be escheated in the future (i.e., property that he owns and can be deemed abandoned under Delaware law), he failed to produce evidence of any specific at-risk property. Lujan, 504 U.S. at 561 (requiring “evidence” and “specific facts” to establish standing at summary judgment). The possibility that, in the future, the Delaware Resident may abandon property that he owns, and then Delaware may subsequently escheat that property under the DUPL, “does not satisfy the requirement that threatened injury must be certainly impending” because it “relies on a highly attenuated chain of possibilities.” Clapper, 568 U.S. at 410.

Accordingly, given the lack of evidence that any of Plaintiffs’ property is at risk of imminent escheatment, they lack standing to seek injunctive or declaratory relief.⁶

III

For the foregoing reasons, we will affirm.

⁶ Plaintiffs’ arguments to the contrary are unpersuasive. First, Plaintiffs’ assertion that they were injured in the past when their property was escheated is irrelevant to whether they are at imminent risk of future injury, which is required because they seek prospective injunctive relief. See Yaw v. Del. River Basin Comm’n, 49 F.4th 302, 318 (3d Cir. 2022). Second, Plaintiffs’ assertion that all property owners are at risk of escheatment is insufficient to establish standing because “the injury must affect the plaintiff in a personal and individual way and not be a generalized grievance.” FDA v. All. for Hippocratic Med., 602 U.S. 367, 381 (2024) (citations and quotation marks omitted).