

SUPREME COURT OF THE STATE OF DELAWARE

Plateau Data Services, LLC v. Adchemy, Inc.

Plateau Data Services · No. No. 83, 2018 · Decided March 2, 2018

SUMMARY

The Delaware Supreme Court refused an interlocutory appeal from a Superior Court memorandum opinion limiting the defendants' evidence concerning consequential, opportunity-cost, and anticipated future-profit damages. The Court concluded that the application did not satisfy the strict certification standards of Delaware Supreme Court Rule 42 and that the potential benefits of review did not outweigh the likely inefficiency, disruption, and costs.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Leo E. Strine, Jr., Chief Justice; Karen L. Valihura, Justice; Gary F. Traynor, Justice
JURISDICTION	Delaware
DECIDED	March 2, 2018
DOCKET	No. 83, 2018
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Defendants petitioned for interlocutory review under Delaware Supreme Court Rule 42 of a Superior Court memorandum opinion granting the plaintiff's motion in limine to preclude evidence of certain damages. The Superior Court denied certification, and the Supreme Court refused the interlocutory appeal.
STANDARD OF REVIEW	Applications for interlocutory review are addressed to the sound discretion of the Delaware Supreme Court, which applies the strict certification standards of Delaware Supreme Court Rule 42(b).
PRECEDENTIAL VALUE	The source identifies the matter as a published Supreme Court of Delaware opinion, but the text is a per curiam interlocutory appeal order and contains no separate precedential designation.
PARTIES	Plateau Data Services, LLC, Zeta Interactive, formerly known as XL Marketing Corp. v. Adchemy, Inc.

TOPICS

interlocutory appeal

appellate procedure

civil procedure

PRACTICE AREAS

Appellate procedure

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QUESTIONS PRESENTED

1. Whether the Delaware Supreme Court should accept interlocutory review under Delaware Supreme Court Rule 42 of the Superior Court's memorandum opinion limiting the damages evidence Plateau could present at trial.
2. Whether the potential benefits of interlocutory review outweighed the inefficiency, disruption, and probable costs of an interlocutory appeal.

HOLDINGS

1. Interlocutory review was not warranted because the application did not meet the strict certification standards of Delaware Supreme Court Rule 42(b), and the potential benefits of review did not outweigh the inefficiency, disruption, and probable costs of an interlocutory appeal.

KEY QUOTATIONS

“Applications for interlocutory review are addressed to the sound discretion of this Court.” (§ 4)

“The case is not exceptional, and the potential benefits of interlocutory review do not outweigh the inefficiency, disruption, and probable costs caused by an interlocutory appeal.” (§ 4)

FACTUAL BACKGROUND

The underlying dispute involved contractual counterclaims by Plateau against Adchemy and the availability of consequential, opportunity-cost, and anticipated or future business-profit damages. The parties' agreement allegedly provided indemnification as the exclusive remedy for breaches of representations and warranties. The Supreme Court did not reach the merits of the contract-interpretation or damages issues because it refused interlocutory review.

PROCEDURAL HISTORY

The Superior Court granted Adchemy's motion in limine, concluding that Plateau's counterclaims substantively alleged breaches of representations and warranties and that indemnification was the exclusive remedy under the parties' agreement. After denying Plateau's motion for reargument, the Superior Court denied Plateau's application for certification of an interlocutory appeal. The Delaware Supreme Court agreed that interlocutory review was not warranted and refused the appeal.

DISPOSITION

writ_denied

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