

COURT OF CHANCERY OF THE STATE OF DELAWARE

Curonix LLC v. Laura Tyler Perryman

Curonix · No. C.A. No. 2019-1003-BWD · Decided January 30, 2026

SUMMARY

The Delaware Court of Chancery denied Laura Tyler Perryman’s motion to dismiss Curonix LLC’s second amended complaint. The court held that Perryman waived any personal-jurisdiction defense through her litigation conduct, that service was proper, and that the complaint adequately stated claims and was timely. The court did not resolve Curonix’s motion to strike because the motion to dismiss was denied on the merits.

CASE DETAILS

COURT	Court of Chancery of the State of Delaware
WRITING FOR THE COURT	Bonnie W. David, Vice Chancellor
JURISDICTION	Delaware Court of Chancery
DECIDED	January 30, 2026
DOCKET	C.A. No. 2019-1003-BWD
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant Laura Tyler Perryman moved to dismiss the operative Verified Second Amended and Supplemented Complaint under Court of Chancery Rules 12(b)(2), 12(b)(4), 12(b)(5), and 12(b)(6), and also sought a more definite statement under Rule 12(e). The Court denied the motion in its entirety.
STANDARD OF REVIEW	For a Rule 12(b)(6) motion, the Court accepts all well-pleaded factual allegations as true, accepts vague allegations as well pleaded if they provide notice of the claim, and draws reasonable inferences in favor of the nonmoving party. The Court evaluated personal-jurisdiction, service, and process defenses under the applicable Court of Chancery Rules.
PRECEDENTIAL VALUE	Published

TOPICS

- motions to dismiss
- personal jurisdiction
- service of process
- statute of limitations
- civil procedure

PRACTICE AREAS

civil procedure

commercial litigation

contracts

corporate law

remedies

QUESTIONS PRESENTED

1. Whether Perryman waived her defense of lack of personal jurisdiction by failing to assert it in her initial responsive pleading, filing counterclaims, and participating in the litigation for approximately six years.
2. Whether the claims against Perryman should be dismissed for insufficient process or ineffective service of process.
3. Whether the second amended complaint adequately stated claims for declaratory, contractual, equitable, and malicious-prosecution relief under Court of Chancery Rule 12(b)(6).
4. Whether the second amended complaint's claims were time-barred or instead related back to the initial complaint under Court of Chancery Rule 15(c).
5. Whether dismissal or a more definite statement was warranted based on an alleged failure to plead fraud with particularity.

HOLDINGS

1. A defendant waives a personal-jurisdiction defense by failing to assert it in a timely Rule 12 motion or responsive pleading and then submitting to the court's jurisdiction through counterclaims and extended litigation conduct.
2. Dismissal is unwarranted where the record demonstrates that the defendant was properly served under the Court of Chancery Rules and applicable Delaware law.
3. The second amended complaint adequately stated claims for relief and therefore was not subject to dismissal under Court of Chancery Rule 12(b)(6).
4. Arguments that the complaint failed to plead fraud with particularity did not support dismissal or a more definite statement because the complaint asserted no fraud claim.
5. The challenged claims were not time-barred because the claims arising from the 2017-2019 conduct related back to the initial complaint, and the malicious-prosecution claim was added within the applicable three-year limitations period.

KEY QUOTATIONS

“For the reasons explained below, the Motion to Dismiss is denied in its entirety.” (at 9)

“Because Perryman waived the defense through six years of litigation conduct, her motion to dismiss for lack of personal jurisdiction must be denied.” (at 10)

“Because Plaintiff’s claims are timely, Perryman’s motion to dismiss on this basis is likewise denied.” (at 16)

FACTUAL BACKGROUND

Laura Tyler Perryman founded Stimwave Technologies Incorporated and controlled related entities, including Micron Devices, LLC and StimQ Medical LLC. The complaint alleged that Perryman executed agreements

transferring intellectual property and equity interests, later caused Micron to be cancelled, and subsequently disputed the validity of those transfers after resigning as Stimwave's CEO. Following bankruptcy proceedings and a court-approved settlement recognizing the validity of certain agreements, Curonix acquired the Company's claims and assets and was substituted as plaintiff. Curonix's second amended complaint sought declaratory, contractual, equitable, and malicious-prosecution relief against Perryman and related entities.

PROCEDURAL HISTORY

The Company filed the initial action in December 2019 and later amended its complaint. After Curonix acquired the Company's rights and assets in bankruptcy and was substituted as plaintiff, the Court permitted a second amended complaint. Default judgment was entered against the Entity Defendants, leaving Counts I, IV, V, and VI against Perryman. Perryman then moved to dismiss, and the Court denied the motion on personal-jurisdiction, service, pleading-sufficiency, and timeliness grounds.

DISPOSITION

denied

CASES CITED

- Est. of Mergenthaler, 2024 WL 4052994, at *3 (Del. Ch. Sep. 4, 2024)
- In re Asbestos Litig., 2015 WL 556434, at *4 (Del. Super. Jan. 30, 2015)
- CelestialRX Invs., LLC v. Krivulka, 2019 WL 1396764, at *17 (Del. Ch. Mar. 27, 2019)
- Plummer v. Sherman, 861 A.2d 1238, 1244 (Del. 2004)
- Bouchard v. Braidly Indus., Inc., 2020 WL 2036601, at *10 (Del. Ch. Apr. 28, 2020)
- Salud Nat. Entrepreneur, Inc. v. Nutricento Internacional, Inc., 2011 WL 290271, at *3 (N.D. Ill. Jan. 27, 2011)
- Lynch v. Gonzalez Gonzalez, 2020 WL 3422399, at *8 (Del. Ch. June 22, 2020)
- Cent. Mortg. Co. v. Morgan Stanley Mortg. Cap. Hldgs. LLC, 27 A.3d 531, 535 (Del. 2011)
- Savor, Inc. v. FMR Corp., 812 A.2d 894, 896-97 (Del. 2002)
- Telxon Corp. v. Bogomolny, 792 A.2d 964, 972 (Del. Ch. 2002)
- Winshall v. Viacom Int'l, Inc., 2019 WL 960213, at *18 (Del. Super. Feb. 25, 2019)
- Cirillo Family Tr. v. Moezinia, 2018 WL 3388398, at *19 n.176 (Del. Ch. July 11, 2018)