

SUPREME COURT OF DELAWARE

Cahall v. Thomas

889 A.2d 966 (Del. 2005) · No. No. 303, 2005 · Decided September 16, 2005

SUMMARY

The Delaware Supreme Court granted in part the appellee's motion to dismiss the Cahalls' appeal from the jury verdict as untimely. The court held that the jury's verdict became a final, appealable order when the Superior Court denied the motion for a new trial, and that a pending motion for costs did not suspend finality or extend the appeal period. The appeal was therefore dismissed as to the jury verdict, while the appeal concerning costs was permitted to proceed.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Berger, Justice; Ridgely, Justice
JURISDICTION	Delaware
DECIDED	September 16, 2005
DOCKET	No. 303, 2005
DISPOSITION	dismissed
PROCEDURAL POSTURE	The appellee moved to dismiss in part an appeal from a jury verdict as untimely. The Supreme Court of Delaware granted the motion as to the jury verdict and directed that the appeal proceed only on the issue of costs.
STANDARD OF REVIEW	The court treated the timeliness of the notice of appeal as jurisdictional and applied established Delaware precedent governing finality of judgments.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Barbara Ann Cahall, Ronald E. Cahall v. Debbie D. Thomas

TOPICS

- appellate jurisdiction
- final judgment rule
- appellate procedure
- civil procedure

PRACTICE AREAS

- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

1. Whether a pending motion for costs delayed the finality of the Superior Court's judgment or extended the time to appeal the jury verdict.
2. Whether the Cahalls' appeal from the jury verdict was timely when filed after the Superior Court ruled on the motion for costs rather than within thirty days after denial of the motion for a new trial.

HOLDINGS

1. A pending motion for costs does not delay the finality of a judgment on the merits.
2. The jury verdict became a final, appealable order when the Superior Court denied the motion for a new trial on July 16, 2004, and the Cahalls' failure to file a notice of appeal within the required thirty-day period deprived the Supreme Court of jurisdiction to review the verdict.

KEY QUOTATIONS

“The pendency of a motion for costs ... does not delay the finality of a judgment on the merits.” (968)

“The Cahalls' failure to properly notice an appeal from the jury's verdict within the required time period deprives this Court of jurisdiction to review the jury's verdict in this appeal.” (968)

FACTUAL BACKGROUND

Thomas's vehicle struck Barbara Cahall's vehicle from behind. Following trial, the jury awarded Barbara Cahall \$2,500 but made no award to Ronald Cahall on his loss-of-consortium claim. The Superior Court denied the Cahalls' motion for additur or a new trial on July 16, 2004, and later ruled on Thomas's motion for costs.

PROCEDURAL HISTORY

The Cahalls sued Thomas in the Delaware Superior Court for bodily injury and loss of consortium arising from an automobile accident. After the jury awarded Barbara Cahall \$2,500 and awarded nothing to Ronald Cahall, the Cahalls moved for additur or a new trial; the Superior Court denied that motion on July 16, 2004. They appealed that ruling in Cahall I, and after the mandate issued, filed the present appeal from a later costs ruling while also attempting to appeal the March 10, 2004 jury verdict. The Supreme Court held that the appeal from the verdict was untimely because the motion for costs did not suspend finality.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The Clerk was directed to establish a briefing schedule on the Cahalls' appeal with respect to the issue of costs only.

CASES CITED

- Cahall v. Thomas, 873 A.2d 1099 (Del. 2005)
- Trowell v. Diamond Supply Co., 91 A.2d 797 (Del. 1952)
- Emerald Partners v. Berlin, 811 A.2d 788 (Del. 2001)
- McDaniel v. DaimlerChrysler Corp., 860 A.2d 321 (Del. 2004)

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