

SUPREME COURT OF DELAWARE

Martinez v. E.I. du Pont de Nemours & Co.

86 A.3d 1102 (Del. 2014) · Decided February 20, 2014

SUMMARY

The Delaware Supreme Court affirmed dismissal of an Argentine asbestos-injury action against DuPont on forum non conveniens grounds. The court held that the Cryo-Maid factors overwhelmingly favored dismissal because the claims involved Argentine parties, conduct, injuries, and unsettled issues of Argentine law, and because litigating the related cases in Delaware would impose substantial hardship and practical difficulties. The decision also provided prospective guidance concerning the meaning of the overwhelming-hardship standard and the consideration of public-interest factors.

CASE DETAILS

COURT	Supreme Court of Delaware
WRITING FOR THE COURT	Holland, Justice; Berger; Holland; Jacobs; Noble; Strine
JURISDICTION	Delaware
DECIDED	February 20, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from dismissal of a complaint on multiple grounds, including forum non conveniens. The Supreme Court affirmed solely on the forum non conveniens ground and did not reach the other grounds for dismissal.
STANDARD OF REVIEW	Forum non conveniens dismissal is reviewed for abuse of discretion. The Supreme Court determines whether the Superior Court's findings and conclusions are supported by the record and resulted from an orderly and logical reasoning process.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion; precedential.
PARTIES	Maria Elena Martinez v. E.I. du Pont de Nemours and Company, Inc.

TOPICS

- forum non conveniens
- appellate procedure
- standard of review
- civil procedure
- personal injury

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by dismissing the complaint on forum non conveniens grounds.
2. What showing is required to establish the overwhelming-hardship standard under Delaware's Cryo-Maid forum non conveniens doctrine.
3. Whether a Delaware trial court may consider the defendant's interest in having unsettled foreign-law issues authoritatively decided by the courts of the jurisdiction whose law governs the dispute.
4. Whether efficient administration of justice and analogous public-interest considerations may be considered under the sixth Cryo-Maid factor.

HOLDINGS

1. The Superior Court acted within its discretion in dismissing the complaint because the Cryo-Maid factors weighed overwhelmingly in favor of dismissal and litigating the Argentine asbestos case in Delaware would impose overwhelming hardship and inconvenience on DuPont.
2. The overwhelming-hardship standard is stringent, but it does not require an insurmountable or preclusive burden. Dismissal is permissible when the combination and weight of the forum non conveniens factors overwhelmingly favor the defendant and dismissal is required to avoid undue hardship and inconvenience.
3. Under the Cryo-Maid analysis, a Delaware trial court may give appropriate weight to a defendant's interest in having important and unsettled questions of foreign law decided by the courts of the jurisdiction whose law governs the dispute.
4. A Delaware trial court need not address public-interest factors in every forum non conveniens analysis, but when appropriate it may consider efficient administration of justice and analogous practical considerations under the sixth Cryo-Maid factor.

KEY QUOTATIONS

"We hold, as did the Court of Chancery in IM2 Merchandising & Manufacturing, Inc. v. Tirez Corp., and as the Superior Court determined in this case, that "a more restrained meaning is at the essence of the [overwhelming hardship] standard." (1105)

"To summarize, although the overwhelming hardship standard is stringent, it is not preclusive." (1106)

"Thus, where, as here, the plaintiff in the case is a citizen of a foreign state whose law is at issue, and where, as here, the injury in the case occurred in that foreign state, and the case turns on unsettled issues of foreign law, a trial court may permissibly exercise its discretion under Cryo-Maid to weigh appropriately the defendant's interest in obtaining an authoritative ruling from the relevant foreign courts on the legal issue on which its liability hinges, as distinguished from a predictive, non authoritative ruling by our courts." (1111)

“Accordingly, it was not an abuse of discretion for the Superior Court to conclude, based on its review of the facts and circumstances presented, and without consideration of other potential lawsuits, that this factor favored DuPont because it would be extraordinarily expensive, cumbersome, and inconsistent with the efficient administration of justice for DuPont to litigate these 32 related matters in Delaware.” (1113)

FACTUAL BACKGROUND

Martinez, an Argentine national, alleged that her deceased husband was exposed to asbestos while working at textile plants in Argentina owned by DuPont Argentina Sociedad Anonima, a subsidiary of DuPont. The alleged injuries occurred in Argentina, the plaintiff was not a Delaware resident, and the claims were governed by unsettled Argentine law concerning potential liability of a parent corporation for conditions at a subsidiary. The case was one of approximately thirty-two related actions involving Argentine plaintiffs and similar claims against DuPont.

PROCEDURAL HISTORY

Martinez brought an asbestos-related wrongful-injury claim arising from alleged exposure at textile plants in Argentina. The Delaware Superior Court dismissed the complaint under Superior Court Civil Rules 8, 9, 12(b) (6), and 19, and on forum non conveniens grounds. On direct appeal, the Supreme Court of Delaware affirmed the dismissal based on forum non conveniens without addressing the alternative grounds.

DISPOSITION

affirmed

CASES CITED

- Gen. Foods Corp. v. Cryo-Maid, Inc., 198 A.2d 681, 684 (Del. 1964)
- Chrysler First Bus. Credit Corp. v. 1500 Locust Ltd. P'ship, 669 A.2d 104, 105 (Del. 1995)
- Ison v. E.I. DuPont de Nemours & Co., 729 A.2d 832, 835, 842-846 (Del. 1999)
- Kolber v. Holyoke Shares, Inc., 213 A.2d 444, 447 (Del. 1965)
- Williams Gas Supply Co. v. Apache Corp., 594 A.2d 34, 36-37 (Del. 1991)
- Taylor v. LSI Logic Corp., 689 A.2d 1196, 1198-1201 (Del. 1997)
- Taylor v. LSI Logic Corp., 715 A.2d 837, 842 (Del. 1998)
- Parvin v. Kaufmann, 236 A.2d 425, 427 (Del. 1967)
- Gulf Oil Corp. v. Gilbert, 330 U.S. 501, 508-509 (1947)
- Picketts v. Int'l Playtex, Inc., 215 Conn. 490, 576 A.2d 518, 524-525 (1990)
- IM2 Merchandising & Mfg., Inc. v. Tirex Corp., 2000 WL 1664168, at *8, *10 (Del. Ch. Nov. 2, 2000)
- Warburg, Pincus Ventures, L.P. v. Schrappner, 774 A.2d 264, 268-269 (Del. 2001)
- Berger v. Intelident Solutions, Inc., 906 A.2d 134 (Del. 2006)
- Aveta Inc. v. Colon, 942 A.2d 603, 610 (Del. Ch. 2008)
- In re Asbestos Litig., 929 A.2d 373, 388-389 (Del. Super. Ct. 2007)

- Candlewood Timber Grp., LLC v. Pan American Energy, LLC, 859 A.2d 989 (Del. 2004)
- Sternberg v. O'Neil, 550 A.2d 1105, 1124-1125 (Del. 1988)
- Sagarra Inversiones, S.L. v. Cementos Portland Valderrivas, S.A., 34 A.3d 1074, 1083 (Del. 2011)
- Piper Aircraft Co. v. Reyno, 454 U.S. 235, 241 n.6 (1981)

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