

SUPREME COURT OF GEORGIA

Wang v. Liu

292 Ga. 568 (Ga. 2013) · Decided March 18, 2013

SUMMARY

The Georgia Supreme Court held that Wang failed to demonstrate an abuse of discretion in the trial court’s denial of his motion to dismiss on forum non conveniens grounds. The court concluded that the trial court erred by converting an interlocutory injunction into a permanent injunction without adequate notice or the parties’ consent. The denial of dismissal was affirmed, and the permanent-injunction order was vacated while the interlocutory injunction remained in effect.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Blackwell, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	March 18, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Wang appealed the denial of his motion to dismiss under the doctrine of forum non conveniens and the trial court's order making a previously entered interlocutory injunction permanent.
STANDARD OF REVIEW	Abuse of discretion for the trial court's ruling on a motion to dismiss under forum non conveniens; meaningful appellate review requires a record reflecting the essential reasoning underlying the trial court's exercise of discretion.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Georgia.
PARTIES	Hao Wang v. Jing Liu

TOPICS

- forum non conveniens
- injunctions
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Remedies
- Commercial litigation

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Wang's motion to dismiss under Georgia's forum non conveniens statute.
2. Whether the trial court could convert the interlocutory injunction into a permanent injunction without notice of a hearing addressing permanent injunctive relief or the parties' consent.

HOLDINGS

1. A trial court ruling on a motion to dismiss under OCGA § 9-10-31.1 must place on the record the essential reasoning supporting its decision so that meaningful appellate review is possible, although specific findings on each statutory factor are not absolutely required in every case. Because Wang approved the form of the unexplained order and therefore could not demonstrate an abuse of discretion, the denial of the forum non conveniens motion was affirmed.
2. Before entering a permanent injunction, a court must provide notice of a hearing at which permanent injunctive relief will be considered, unless the parties agree otherwise. Because Wang received no such notice and did not consent, the trial court erred in making the interlocutory injunction permanent.

KEY QUOTATIONS

“What is required to permit meaningful appellate review is that the trial court set out upon the record the essential reasoning that forms the basis for its exercise of discretion to grant or deny a motion to dismiss under the doctrine of forum non conveniens.” (571)

“Accordingly, we vacate the order making permanent the interlocutory injunction, leaving the previously entered interlocutory injunction in full force and effect.” (573)

FACTUAL BACKGROUND

Liu alleged that Wang held stock in a Chinese company on Liu's behalf, had misappropriated the stock, and had wrongfully withheld distributions and other funds derived from it. The trial court entered an interlocutory injunction prohibiting Wang from transferring certain assets while the litigation was pending. The trial court later stayed the case pending related Chinese litigation and purported to make the interlocutory injunction permanent.

PROCEDURAL HISTORY

Liu sued Wang in Fulton County concerning Wang's alleged holding and misappropriation of stock in a Chinese company and related distributions. The trial court denied Wang's forum non conveniens motion, stayed the action pending resolution of related litigation in China, and made an interlocutory injunction permanent. The Supreme Court of Georgia affirmed the denial of the motion to dismiss but vacated the order making the injunction permanent.

DISPOSITION

other

CASES CITED

- Hawthorn Suites Golf Resorts v. Feneck, 282 Ga. 554, 556-557 (3) (651 S.E.2d 664) (2007)
- Park Ave. Bank v. Steamboat City Dev. Co., 317 Ga. App. 289, 292 (728 S.E.2d 925) (2012)
- GrayRobinson, P.A. v. Smith, 302 Ga. App. 375, 377-378 (1) (690 S.E.2d 656) (2010)
- Ga. Cas. & Sur. Co. v. Valley Wood, Inc., 290 Ga. App. 177, 178 (1) (659 S.E.2d 410) (2008)
- Kennestone Hosp. v. Lamb, 288 Ga. App. 289, 289-290 (653 S.E.2d 858) (2007)
- Federal Ins. Co. v. Chicago Ins. Co., 281 Ga. App. 152, 153 (635 S.E.2d 411) (2006)
- Hewett v. Raytheon Aircraft Co., 273 Ga. App. 242, 248-249 (2) (614 S.E.2d 875) (2005)
- Rude v. Rude, 241 Ga. 454, 455 (1) (246 S.E.2d 311) (1978)
- R. J. Taylor Memorial Hosp. v. Beck, 280 Ga. 660, 662 (3) (631 S.E.2d 684) (2006)
- Smith v. Guest Pond Club, 277 Ga. 143, 145 (1) (586 S.E.2d 623) (2003)