

SUPREME COURT OF THE STATE OF DELAWARE

Abbott v. Vavala

Abbott v. Vavala · No. No. 210, 2021 · Decided July 12, 2021

SUMMARY

The Delaware Supreme Court refused Richard L. Abbott’s petition for interlocutory review of the Court of Chancery’s denial of motions for a temporary restraining order and expedited proceedings. The Court held that the application did not satisfy the strict standards for interlocutory review under Supreme Court Rule 42 and denied Abbott’s recusal motion as moot.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Per Curiam; Ridgely, Justice; Newell, Chief Judge; Danberg, Chief Judge
JURISDICTION	Delaware
DECIDED	July 12, 2021
DOCKET	No. 210, 2021
DISPOSITION	other
PROCEDURAL POSTURE	Abbott petitioned for acceptance of an interlocutory appeal under Delaware Supreme Court Rule 42 from the Court of Chancery's denial of motions for a temporary restraining order and expedited proceedings. The Court of Chancery denied certification, and the Delaware Supreme Court refused the interlocutory appeal.
STANDARD OF REVIEW	Applications for interlocutory review are addressed to the Delaware Supreme Court's sound discretion, with great weight given to the trial court's review and the strict standards for certification under Supreme Court Rule 42.
PRECEDENTIAL VALUE	Published opinion; no reporter citation appears in the source text.
PARTIES	Richard L. Abbott v. Kathleen M. Vavala, David A. White, Collins J. Seitz, Jr., James T. Vaugh, Jr., Tamika R. Montgomery-Reeves, Gary F. Traynor, Karen L. Valihura

TOPICS

interlocutory appeal

appellate procedure

civil procedure

PRACTICE AREAS

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether Abbott satisfied the strict requirements for certification of an interlocutory appeal under Delaware Supreme Court Rule 42.
2. Whether exceptional circumstances or benefits sufficient to justify interlocutory review existed.
3. Whether Abbott's motion to recuse members of the panel should be considered after the interlocutory appeal was refused.

HOLDINGS

1. The application for interlocutory review did not satisfy the strict standards for certification under Delaware Supreme Court Rule 42 and was refused.
2. The motion to recuse was denied as moot after the Court refused the interlocutory appeal.

KEY QUOTATIONS

“Applications for interlocutory review are addressed to the sound discretion of the Court.” (2)

“Exceptional circumstances that would merit interlocutory review of the Court of Chancery’s decision do not exist in this case, and the potential benefits of interlocutory review do not outweigh the inefficiency, disruption, and probable costs caused by an interlocutory appeal.” (2)

FACTUAL BACKGROUND

Abbott sought a temporary restraining order and expedited proceedings in the Court of Chancery. After the Court of Chancery denied those requests and declined to certify an interlocutory appeal, Abbott sought interlocutory review in the Delaware Supreme Court. He also moved to recuse three justices who had participated in an earlier order cited by the Court of Chancery.

PROCEDURAL HISTORY

The Court of Chancery denied Abbott's motions for a temporary restraining order and expedited proceedings on June 3, 2021. On June 30, 2021, it denied Abbott's application for certification because no substantial issue or Rule 42(b)(iii) criterion supported interlocutory review and the benefits did not outweigh the costs of piecemeal litigation. Abbott filed his notice of appeal and certification application on July 1, 2021. The Delaware Supreme Court refused the interlocutory appeal and denied as moot his motion to recuse three members of the Court.

DISPOSITION

other

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