

TENNESSEE SUPREME COURT

American Lava Corp. v. Savena

476 S.W.2d 639 (Tenn. 1972) · Decided February 7, 1972

SUMMARY

The Tennessee Supreme Court addressed two concurrent workers' compensation actions involving the same parties and subject matter. It held that the Criminal Court acquired exclusive jurisdiction because the employer filed first, reversed the dismissal, and remanded the case for trial while directing dismissal of the later Circuit Court action.

CASE DETAILS

COURT	Tennessee Supreme Court
WRITING FOR THE COURT	McCanless, Justice; McCanless; Dyer, C. J.; Chattin; Creson; Jenkins, Special Judge
JURISDICTION	Tennessee
DECIDED	February 7, 1972
DISPOSITION	remanded
PROCEDURAL POSTURE	American Lava Corporation appealed from the Criminal Court of Hamilton County's dismissal of its workmen's compensation action and denial of its motion to reconsider.
PRECEDENTIAL VALUE	published precedential Tennessee Supreme Court opinion
PARTIES	American Lava Corporation v. Nick R. Savena

TOPICS

workers compensation civil procedure appellate procedure

PRACTICE AREAS

workers compensation civil procedure appellate procedure

QUESTIONS PRESENTED

1. When two courts with concurrent jurisdiction have pending actions involving the same parties, subject matter, and objective, which court has exclusive jurisdiction?

2. Whether an employer may initiate a workmen's compensation action when the parties have failed to agree upon compensation.

HOLDINGS

1. When courts have concurrent jurisdiction over actions involving the same parties, subject matter, and objective, the court that first acquires jurisdiction obtains exclusive jurisdiction.
2. A failure of the parties to agree upon compensation is sufficient to authorize the employer to bring a workmen's compensation action seeking determination of the parties' rights.

FACTUAL BACKGROUND

American Lava Corporation and Nick R. Savena were involved in a dispute over Savena's workmen's compensation claim. American Lava filed first in the Criminal Court of Hamilton County on June 7, 1971, while Savena filed a competing action in the Circuit Court of Hamilton County the next day. Both suits involved the same parties, subject matter, and objective: adjudication of Savena's compensation claim.

PROCEDURAL HISTORY

American Lava filed a workmen's compensation suit in the Criminal Court of Hamilton County on June 7, 1971. Savena filed a competing action involving the same parties and subject matter in the Circuit Court of Hamilton County on June 8, 1971. The Criminal Court dismissed American Lava's action because two actions involving the same parties or subject matter should not remain pending, overruled reconsideration, and was reversed in the sense that the action was remanded for trial in that court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is remanded to the Criminal Court of Hamilton County for trial. Savena is directed to dismiss his competing Circuit Court action.

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