

COURT OF CHANCERY OF THE STATE OF DELAWARE

Karen Callahan v. Joseph Nelson

Callahan v. Nelson · No. C.A. No. 2024-1099-BWD · Decided December 1, 2025

SUMMARY

The Delaware Court of Chancery denied Joseph Nelson’s application for certification of an interlocutory appeal from an order establishing a private auction procedure to partition a jointly owned companion animal. The court held that, although the order presented a novel issue of Delaware law, the costs and delay of interlocutory review outweighed its benefits. The court also denied Nelson’s motion for a stay pending appeal, concluding that the relevant stay factors did not favor relief.

CASE DETAILS

COURT	Court of Chancery of the State of Delaware
WRITING FOR THE COURT	Bonnie W. David
JURISDICTION	Delaware Court of Chancery
DECIDED	December 1, 2025
DOCKET	C.A. No. 2024-1099-BWD
DISPOSITION	other
PROCEDURAL POSTURE	Respondent sought certification of an interlocutory appeal from the Court of Chancery's prior order establishing a procedure for partitioning a jointly owned companion animal and separately moved for a stay pending appeal.
STANDARD OF REVIEW	Applications for interlocutory review are addressed to the trial court's sound discretion under Delaware Supreme Court Rule 42. A stay pending appeal is likewise discretionary and is evaluated under the four Kirpat factors: likelihood of success, irreparable injury, harm to other interested parties, and the public interest.
PRECEDENTIAL VALUE	Published Delaware Court of Chancery order; precedential effect is not otherwise specified in the source.
PARTIES	Joseph Nelson v. Karen Callahan

TOPICS

- interlocutory appeal
- appellate procedure
- injunctions
- standard of review
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

equitable remedies

QUESTIONS PRESENTED

1. Whether the Court of Chancery should certify an interlocutory appeal from its order establishing a partition procedure for the jointly owned companion animal.
2. Whether the court should stay the partition-auction process pending appeal.

HOLDINGS

1. The application for certification was denied because, even assuming the prior order decided a substantial issue of material importance, the costs and delay of interlocutory review outweighed its benefits under Supreme Court Rule 42.
2. The motion for a stay pending appeal was denied because the Kirpat factors, considered together, did not favor interim relief.

KEY QUOTATIONS

“Interlocutory appeals should be exceptional, not routine, because they disrupt the normal procession of litigation, cause delay, and can threaten to exhaust scarce party and judicial resources.” (at 6)

“That process should not entail significant cost, particularly compared to the substantial sums the parties have already expended in litigation across four courts.” (at 8)

“If the other three factors strongly favor interim relief, then a court may exercise its discretion to reach an equitable resolution by granting a stay if the petitioner has presented a serious legal question that raises a ‘fair ground for litigation and thus for more deliberative investigation.’” (at 10)

FACTUAL BACKGROUND

The parties acquired a Goldendoodle named Tucker while they were dating and later ended their relationship. The Delaware Superior Court determined that they jointly owned Tucker, and Callahan had not seen the dog for more than three years. The Court of Chancery determined that a private auction would be the appropriate presumptive procedure for partitioning their ownership interests and appointed a Partition Trustee to administer the process.

PROCEDURAL HISTORY

Callahan filed a petition seeking partition of a Goldendoodle jointly owned by the parties. The Court of Chancery denied Nelson's motion to dismiss, later held that partition should proceed through a private, value-maximizing auction, and appointed a Partition Trustee. Nelson then applied for certification of an interlocutory appeal and moved for a stay pending appeal; the court denied both requests.

DISPOSITION

other

CASES CITED

- Callahan v. Nelson, 2025 WL 3181943 (Del. Ch. Nov. 14, 2025)
- Callahan v. Nelson, 2025 WL 1326719 (Del. Ch. May 7, 2025)
- Robino-Bay Ct. Plaza, LLC v. W. Willow-Bay Ct., LLC, 941 A.2d 1019 (Del. 2007) (TABLE)
- Sprint Nextel Corp. v. iPCS, Inc., 2008 WL 2861717, at *1 (Del. Ch. July 22, 2008)
- Kirpat, Inc. v. Del. Alcoholic Beverage Control Comm'n, 741 A.2d 356, 357-58 (Del. 1998)
- Evans v. Buchanan, 435 F. Supp. 832, 841-43 (D. Del. 1977)
- Grand Acq., LLC v. Passco Indian Springs DST, 2016 WL 6199007, at *1 (Del. Ch. Oct. 21, 2016)
- Wash. Metro. Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977)

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