

SUPREME COURT OF THE STATE OF DELAWARE

Hitachi Koki Co., Ltd. v. Cardona

No. 102, 2019 · No. No. 102, 2019 · Decided April 16, 2019

SUMMARY

The Delaware Supreme Court refused to accept an interlocutory appeal from the Superior Court’s denial of Hitachi Koki Co., Ltd.’s motion to dismiss for lack of personal jurisdiction. The Court held that the application did not satisfy the strict certification standards under Delaware Supreme Court Rule 42 and that the potential benefits of interlocutory review did not outweigh its probable costs and disruption.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Collins J. Seitz, Jr.; Justice Vaughn; Justice Seitz; Justice Traynor
JURISDICTION	Delaware
DECIDED	April 16, 2019
DOCKET	No. 102, 2019
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Hitachi Koki Co., Ltd. petitioned for interlocutory review under Delaware Supreme Court Rule 42 of the Superior Court's order denying its motion to dismiss for lack of personal jurisdiction. The Supreme Court refused the interlocutory appeal.
STANDARD OF REVIEW	Applications for interlocutory review are addressed to the sound discretion of the Delaware Supreme Court, which gives great weight to the trial court's view and applies the strict certification standards of Supreme Court Rule 42(b).
PRECEDENTIAL VALUE	Published Delaware Supreme Court order; precedential value is not otherwise specified in the document.
PARTIES	Hitachi Koki Co., Ltd. v. Eduardo Diaz Cardona, Wendy Cardona

TOPICS

- interlocutory appeal
- personal jurisdiction
- appellate procedure
- civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

personal jurisdiction

QUESTIONS PRESENTED

1. Whether the Delaware Supreme Court should accept an interlocutory appeal from the Superior Court's order denying HKK's motion to dismiss for lack of personal jurisdiction.
2. Whether the application satisfied the strict certification and exceptional-circumstances requirements for interlocutory review under Delaware Supreme Court Rule 42(b).

HOLDINGS

1. Interlocutory review was not warranted because the application did not satisfy Delaware Supreme Court Rule 42(b)'s strict standards for certification and the potential benefits of review did not outweigh the inefficiency, disruption, and probable costs of an interlocutory appeal.

KEY QUOTATIONS

"We agree that interlocutory review is not warranted in this case." (at 4)

"Exceptional circumstances that would merit interlocutory review of the decision of the Superior Court 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." (at 4)

"NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED." (at 4)

FACTUAL BACKGROUND

Eduardo Diaz Cardona was using an NV83A3 nail gun designed and manufactured by Hitachi Koki Co., Ltd., when the gun allegedly malfunctioned and ejected a nail into his eye, causing serious permanent injuries. The incident occurred in Delaware, and Cardona sued HKK, its wholly owned U.S. subsidiary and distributor, and the construction site's general contractor. HKK is a Japanese corporation, while its subsidiary is a Delaware corporation headquartered in Georgia.

PROCEDURAL HISTORY

The Cardonas sued Hitachi Koki Co., Ltd., Hitachi Koki U.S.A., Ltd., and Schell Brothers, LLC in the Delaware Superior Court after Eduardo Cardona was injured by a nail gun. Following jurisdictional discovery, the Superior Court denied HKK's motion to dismiss for lack of personal jurisdiction and later denied HKK's application for certification of an interlocutory appeal. The Delaware Supreme Court agreed that interlocutory review was not warranted and refused the appeal.

DISPOSITION

writ_denied

CASES CITED

- Cardona v. Hitachi Koki Co., Ltd., 2019 WL 449698 (Del. Super. Ct. Feb. 5, 2019)
- Boone v. Oy Partek Ab, 724 A.2d 1150 (Del. Super. Ct. 1997)
- LaNuova D & B, S.p.A. v. Bowe Co., 513 A.2d 764 (Del. 1986)
- Tortuga Cas. Co. v. Nat'l Union Fire Ins. Co. of Pittsburgh, 1991 WL 247813 (Del. Nov. 14, 1991)
- Curran Composites, Inc. v. Total Holdings USA, Inc., 2009 WL 4170395 (Del. Nov. 25, 2009)
- Olivieri v. Aveta, Inc., 2008 WL 4216352 (Del. Sept. 16, 2008)
- Jelin v. NRG Barriers, Inc., 1996 WL 442907 (Del. July 23, 1996)

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