

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

DENNIS CHIDESTER and KATHLEEN)
CHIDESTER, individually and as Co-)
Administrators of the Estate of BRETT M.)
CHIDESTER,)
) C.A. No. 07C-08-016 MMJ
Plaintiffs,)
)
v.)
)
FIONA PRATT, PRIORITY)
PLACEMENT WORLDWIDE, INC., a)
foreign corporation, CURTIS S.)
HOLFELD, HANA RYU, EXPERIENCE)
ALTERNATIVES, INC., and HERBAL)
LIFE AND ESSENCE CO., a foreign)
corporation,)
)
Defendants.

Submitted: December 22, 2011
Decided: January 17, 2011

On Defendant Priority Placement Worldwide, Inc.'s
Motion for Reargument of Motion to Dismiss

DENIED

ORDER

Gary S. Nitsche, Esquire, Weik, Nitsche & Dougherty, Wilmington, Delaware,
Attorneys for Plaintiffs

Charles J. Brown, III, Esquire, Archer & Greiner, P.C., Wilmington, Delaware,
Attorneys for Priority Placement Worldwide, Inc. and Curtis S. Holfeld

JOHNSTON, J.

1. The Court heard oral argument on the Motion to Dismiss for Lack of Jurisdiction filed by defendants Priority Placement Worldwide, Inc. and Curtis S. Holfeld. At the conclusion of the hearing, the Court granted Curtis S. Holfeld's motion to dismiss, and denied Priority Placement Worldwide, Inc.'s motion to dismiss, for the reasons set forth on the record.

2. Defendant Priority Placement Worldwide, Inc. has moved for reargument. Priority Placement asserts that the forum selection clause should be enforced and this matter transferred to the courts of British Columbia. In support of its argument, Priority Placement cites *Ashall Homes Ltd. v. ROK Entertainment Group, Inc.*, 992 A.2d 1239 (Del. Ch. 2010). The Court has reviewed *Ashall* and finds it to be distinguishable.

3. The purpose of moving for reargument is to seek reconsideration of findings of fact, conclusions of law, or judgment of law.¹ Reargument usually will be denied unless the moving party demonstrates that the Court overlooked a precedent or legal principle that would have a controlling effect, or that it has misapprehended the law or the facts in a manner affecting the outcome of the

¹*Hessler, Inc. v. Farrell*, 260 A.2d 701, 702 (1969).

decision. “A motion for reargument should not be used merely to rehash the arguments already decided by the court.”²

3. The Court has reviewed and considered this motion. The Court finds that it did not overlook a controlling precedent or legal principle, or misapprehend the law or the facts in a manner affecting the outcome of the decision.

THEREFORE, Defendant Priority Placement Worldwide, Inc.’s Motion for Reargument of Motion to Dismiss is hereby **DENIED**.

IT IS SO ORDERED.

The Honorable Mary M. Johnston

²*Wilmington Trust Co. v. Nix*, Del. Super., 2002 WL 356371, Witham, J. (Feb. 21, 2002); *Whitsett v. Capital School District*, Del. Super., C.A. No. 97C-04-032 Vaughn, J. (Jan. 28, 1999); *Monsanto Co. v. Aetna Casualty & Surety Co.*, Del. Super., C.A. No. 88-JA-118, Ridgeley, P.J. (Jan. 14, 1994).