

IN THE SUPREME COURT OF THE STATE OF DELAWARE

J. DERAMO CONTRACTORS, INC.,	§
	§
Third Party Defendant Below- Appellant,	§ No. 180, 2000
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
COMPLETE DRYWALL, INC.,	§ in and for New Castle County
	§ C.A. No. 97C-11-198
Third Party Plaintiff Below- Appellee.	§
	§
COMPLETE DRYWALL, INC.	§
	§
Defendant/Third Party Plaintiff Below- Appellant,	§ No. 192, 2000
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
THOMAS PECHICKJIAN,	§ C.A. No. 97C-11-198
	§
Plaintiff Below- Appellee.	§
	§

Submitted: May 10, 2000

Decided: May 25, 2000

Before **VEASEY**, Chief Justice, **HARTNETT**, and **BERGER**, Justices.

ORDER

This 25th day of May 2000, it appears to the Court that:

(1) The Court has before it two separate notices of interlocutory appeal from two decisions of the Superior Court issued on the same day in the same case.

The first appeal, in case No. 180, 2000, was filed by J. Deramo Contractors, Inc. (“JDC”), from the Superior Court’s denial of JDC’s motion for summary judgment. The second appeal, in case No. 192, 2000, was filed by Complete Drywall, Inc. (“Complete”), from the Superior Courts’ denial of summary judgment to Complete and granting of summary judgment to the plaintiff below, Thomas Pechickjian. JDC and Complete have separately petitioned this Court, pursuant to Supreme Court Rule 42, to accept their respective interlocutory appeals.

(2) Pechickjian filed suit in Superior Court seeking compensation for injuries he sustained after he fell off a ladder while hanging drywall. The Superior Court held, as a matter of law, that there was an employer/employee relationship between Pechickjian and Complete. The Superior Court denied Complete’s petition for certification to take an interlocutory appeal to this Court from that ruling.

(3) The Superior Court also held that Complete had a right to seek contribution from the general contractor, JDC. JDC moved for reconsideration of that ruling. JDC argued that, as a matter of law, it could not be held liable as a negligent joint tortfeasor with Complete because Complete, as an employer who neglected to carry workers’ compensation liability insurance, was strictly liable for Pechickjian’s injuries under 19 Del. C. § 2374. JDC argued that allowing

Complete to pursue a claim for contribution against JDC would defeat the intent of 19 Del. C. § 2374. The Superior Court denied JDC's motion for reconsideration but granted JDC's application for leave to file an interlocutory appeal to this Court.

(4) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, this Court has concluded that neither application for interlocutory review meets the requirements of Supreme Court Rule 42(b). Accordingly, the Court has determined that both JDC's and Complete's applications should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeals be, and the same hereby are, REFUSED.

BY THE COURT:

/s/Maurice A. Hartnett, III

Justice

