

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

ROSA LAURA CERVANTES, individually and)	
as representative of the estate of ELOY)	
TUDON HERNANDEZ, deceased and next)	
Friend of JOEL ALEJANDRO TUDON)	
CERVANTES, SERGIO ORLANDO TUDON)	
CERVANTES and ELOY OBED TUDON)	
CERVANTES, minors,)	C.A. No. 07C-06-249 JRJ
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
vs.)	
)	
BRIDGESTONE / FIRESTONE NORTH)	
AMERICAN TIRE COMPANY, LLC;)	
BRIDGESTONE / FIRESTONE, INC.;)	
BRIDGESTONE / FIRESTONE RESEARCH,)	
LLC; BRIDGESTONE AMERICAS HOLDING,)	
INC., FIRESTONE TIRE & RUBBER)	
COMPANY and FORD MOTOR COMPANY,)	NON-ARBITRATION CASE
)	
Defendants.)	

ORDER

Upon Defendant Ford's Choice of Law Motion with Regard to Punitive Damages
GRANTED

This 14th day of August, 2008, it appears to the Court that defendant Ford seeks an application of Michigan Law by its Choice of Law Motion with Regard to Punitive Damages.

When making a determination of which state law should be applied in addressing damages, the Court must defer to the jurisdiction with the most significant relationship to

the alleged misconduct.¹ In this case, the plaintiff has alleged the negligent design of the Ford Explorer and the failure to warn consumers of allegedly known dangers associated with this particular vehicle.² If this misconduct is determined to have occurred, it is certain that it would have occurred primarily at Ford's Michigan Headquarters in Michigan. Since the allegations of misconduct focus on the design and not fabrication of the vehicle in question, Michigan law must be applied with respect to punitive damages.

IT IS SO ORDERED.

Jan R. Jurden, Judge

¹ RESTATEMENT § 145 cmt. c (“the interest of a state in having its tort rule applied in the determination of a particular issue will depend upon the purpose sought to be achieved by that rule”) *accord* RESTATEMENT § 146 cmt. e. ([A]n important factor in determining which is the state of most significant relationship is the purpose sought to be achieved by the rule of tort law involved.”)

² Plaintiff's complaint at counts IV-VII, X.