

## And The Defense Wins

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### David J. Varriale and John J. Leo III



DRI members [David J. Varriale](#) and [John J. Leo III](#) won a complete dismissal of all claims brought in New Jersey against a West Virginia golf resort in the matter *Delgatto v. Greenbrier Hotel Corporation*, before the Superior Court of New Jersey, Bergen County.

The plaintiff, a citizen of New Jersey, sued in New Jersey, sued Greenbrier Hotel Corporation based on his accident at the West Virginia golf resort. He fell on its golf course where viewing stands had been removed after The Greenbrier Classic golf tournament. He suffered severe personal injuries, treated in New Jersey, and sought to force the resort to defend his action in New Jersey. Plaintiff claimed the golf resort's national reputation, national broadcasts of its events, marketing activities in New Jersey, and its interactive website provided minimum contacts to subject the golf resort to general or specific jurisdiction in New Jersey. After extensive discovery of the golf resort's contacts with New Jersey, including emails to numerous former guests from New Jersey, the court agreed with the golf resort's argument. Plaintiff had not stayed at the resort before, had not received any solicitations from the resort, and did not use its interactive web site to make his reservations. Greenbrier Hotel Corporation had no physical presence in New Jersey or activities in New Jersey to approximate physical presence sufficient to establish general personal jurisdiction. The court found the plaintiff could not prove New Jersey had specific personal jurisdiction over the golf resort because the plaintiff could not prove a relationship between the golf resort's activities in New Jersey and the plaintiff's incident.

David J. Varriale is a partner with **Kaufman Borgeest & Ryan**. John J. Leo III is an associate with the firm.

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