

NOTICE

Memorandum decisions of this court do not create legal precedent. A party wishing to cite such a decision in a brief or at oral argument should review Alaska Appellate Rule 214(d).

THE SUPREME COURT OF THE STATE OF ALASKA

ANNE P. MULLIGAN,)	
)	Supreme Court No. S-17602
Appellant,)	
)	Superior Court No. 3AN-19-07536 CI
v.)	
)	<u>MEMORANDUM OPINION</u>
HMS HOST INTERNATIONAL,)	<u>AND JUDGMENT*</u>
)	
Appellee.)	No. 1779 – July 22, 2020
)	

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Gregory Miller, Judge.

Appearances: Anne P. Mulligan, pro se, Anchorage, Appellant. Kevin M. Cuddy, Stoel Rives LLP, Anchorage, for Appellee.

Before: Bolger, Chief Justice, Winfree, Maassen, and Carney, Justices.

Ann Mulligan sued HMS Host International, alleging that she was harassed while she was a customer at its Anchorage airport restaurant. The defendant specially appeared to contest personal jurisdiction, submitting evidence and asserting that Mulligan had sued a foreign entity not doing business in the United States. The record suggests that the correct defendant would be Host International, Inc., a Delaware corporation registered to do business in Alaska; its majority owner, HMSHost Corporation, another Delaware corporation, is a sister corporation to the foreign entity,

* Entered under Alaska Appellate Rule 214.

and both are owned by yet another foreign entity.¹ Although Mulligan requested that the superior court grant leave to name the correct corporation, the court dismissed the lawsuit without prejudice and ordered that “the case *is* closed.” (Emphasis in original.) Mulligan appeals the dismissal of her lawsuit and the denial of her motion to change the defendant’s name.

We AFFIRM the superior court’s order because the motion for dismissal for lack of personal jurisdiction was correctly granted² and because dismissing the lawsuit without prejudice so that Mulligan can file a new lawsuit naming the correct defendant, who now seemingly has been identified to Mulligan along with the proper service information, did not prejudice her.

¹ See *Sister corporation*, BLACK’S LAW DICTIONARY (11th ed. 2019) (“One of two or more corporations controlled by the same, or substantially the same, owners.”).

² See *Harper v. BioLife Energy Sys., Inc.*, 426 P.3d 1067, 1071 (Alaska 2018) (discussing limits of personal jurisdiction).